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Vol. 5, No. 2

April, 1922

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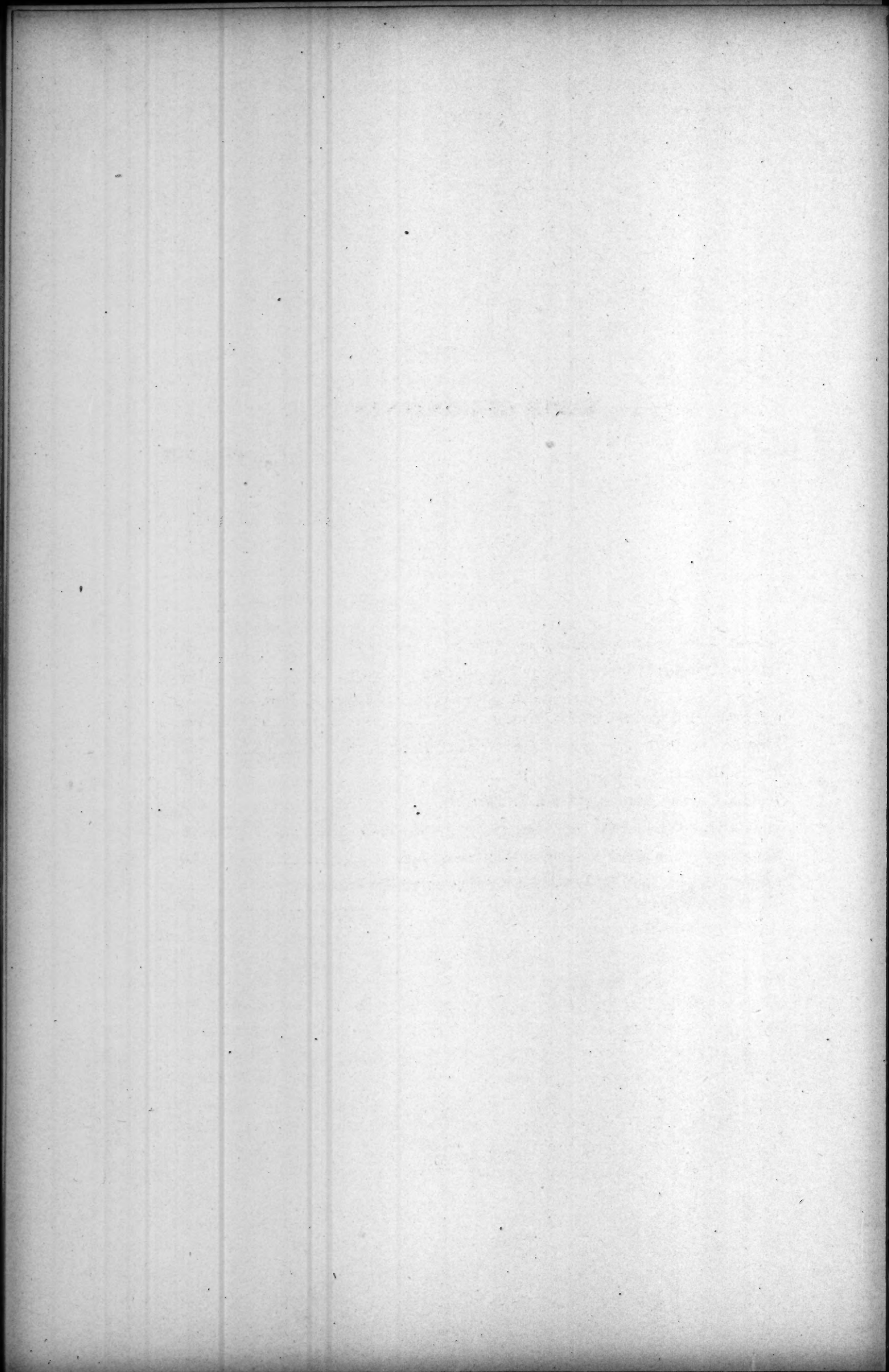
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SPANISH COLONIAL MUNICIPALITIES

By Herbert Ingram Priestley, Ph. D.

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Mexican History in the University of California.*

This article was originally printed in the *California Law Review* for September, 1919, and translated into Spanish by Genaro Estrada and published as *Municipalidades coloniales españolas*, Mexico, 1921. It is republished by the Louisiana Historical Quarterly with the consent of Mr. Priestley and we are quite sure that Louisiana students of Spanish institutions in Louisiana will be quick to appreciate this very valuable contribution to a subject that up to this time has been very inadequately treated here or elsewhere.

With the light thrown on the subject by Mr. Priestley's essay, many of the misunderstood features of the Spanish Cabildo in Louisiana will be restored to their true position in our history.

HENRY P. DART.

SPANISH COLONIAL MUNICIPALITIES.

The municipal organization of Castile, transferred to America soon after the advent of Columbus, began to function with no lack of vitality. The first conquerors brought to the New World a traditional love of liberty and a spirit of strong local autonomy which promised fair for development in the conquered and colonized territory. But during the sixteenth century the Spanish peninsular *municipio* was reduced from its earlier importance and power, being subjected to centralized control by officers of the crown. These were the *gobernadores*, *corregidores*, and *alcaldes mayores*, who went out to hold the local areas in the name of the national authority. These centrally appointed officers substituted for the direct democracy guaranteed by the municipal *fueros*, (charters), and for the system of local legislation arising from the petitions of the towns through their *procuradores*, a direct central legislation under royal *cédulas*, *cartas*,

and *instrucciones*. Thus, through the conflict of the monarchs with the towns was eliminated the initiative of earlier, more independent days.¹

The significant characteristic of these peninsular *cabildos* (town corporations) before the epoch of Charles V was the possession of rights similar to those which had been won by Englishmen in their struggle for political liberty under their kings. The Spanish townsmen had established under their *fueros* the equality of all the citizens before the law. The character of the *vecino* (townsman) was superior to all social distinctions. This equality was considered essential for wise government of the commune, and if any counts, knights, or other noblemen should come to settle in it they must become subject to the same restrictions, including death penalties for certain crimes, as the earlier settlers.

In the Spanish towns the principle of the inviolability of the domicile was well recognized. It was not the Englishman alone who could claim that his house was his castle. Violation of this right was punished by the severest penalty, even death. In the *fueros* of Cuenca and Sanabria the method of entering the domicile under the authority of search warrant is prescribed with the same precaution and respect for the rights of the inhabitants as are shown in the most modern legislation.

Furthermore, justice was dispensed to the citizen by his peers, chosen by him or by his counsel, save in matters wherein the royal jurisdiction intervened. No man might be deprived of life or property, nor be arrested by the *merinos* (king's justices) except in matters on which the local judges had already passed sentence. If the *merinos* passed such sentences, they were to be disobeyed.

Every man had a right to participate in public affairs. He shared in the election of magistrates. The authority of the town government was based on popular election; this constituted the legitimate sanction of the officer in the exercise of his duties under the local *fueros*. No confirmation of his powers from any authority outside of the municipality was necessary; not even the king had any intervention in the naming of the municipal officers.²

¹R. Altamira, *Historia de España y de la civilización española*, II, 483; Carlos Navarro y Lamarca, *Compendio de la historia general de América*, II, 339.

²J. A. García, *La ciudad Indiana*, 161.

With respect to the responsibility of the officers of the Castilian city, the ancient legislation provided more amply, perhaps, than does much of the modern. "Injuries caused to citizens were to be compensated for doubly if by an officer; infractions of the *fueros* or deception in controlling public interests were punished severely as breaches of trust by loss of position. Instead of forming a shield for iniquity, municipal office brought upon an offender punishment twice as severe as that imposed in like case upon the private citizen, the public trust being construed as aggravating the offense."³

All this was absent in the Spanish-American municipality. The guarantees of the citizen were wanting. There was, too, the lack of forceful union between the towns, union which had in Spain given stability and respectability to the pretensions of the local entities. This had been secured through the *Santa Hermandad*, which in the earlier times constituted the visible arm of the united power of Castilian towns. But in America this source of dignity and power was at first altogether lacking; when the *Hermandad* did appear, it was as the arm and token of the central authority, imposed from above for the protection of the roads against highwaymen. Serving as an attempt to guarantee safety in the interstices between the areas controlled by the municipalities, the *Hermandad* lent none of its majesty to the local government, and served rather to aggrandize the central control and prevent development of local autonomy.

As far as form went, however, the local units of the New World modeled their government upon that of the towns of Spain. Municipal organizations, provided for under Columbus, and extended throughout *La Española* in 1507, began to exist wherever a group of Spaniards was numerous enough to require social control. By the last quarter of the sixteenth century there were at least two hundred such organizations in the Spanish Indies, under the designation of *ciudad*, *pueblo*, or *villa*. In some places the name *lugar* (literally "place") was used to designate the *pueblo*, but the latter word was used in most cases to designate settlements other than mining camps (*reales de minas*) not large enough to be called *ciudades*. In the period last mentioned a number of the earliest towns had died with the shifting movements incidental to continental settlement when once the larger land

³García, *Op. et loc. cit.*

masses had been found to excel the insular holdings in opportunity for enrichment.

Essentially, whatever the designation, all the municipalities enjoyed the same legal status. There were minor variations in the composition of the official governing body, the elaborateness of the organization corresponding to development in size. Blackmar, who shows the derivation of the Spanish towns from the Roman ones in Spain, points out clearly that, whatever might have been the variety of the organization of the peninsular towns, there was practical uniformity in style of organization in the colonial municipalities. Bernard Moses draws attention to the fact that the colonial cities might owe their origin to development from an Indian mission or from a *presidio*, or that they might be founded outright as cities by an individual conqueror or by a group of settlers voluntarily associated for the purpose.⁴ These variations in origin meant, however, no diversity in character among the municipal entities once they were organized. This uniformity was due to the existence of early general legislation and to the absence of those special frontier conditions which had in Spain made the successive reconquests from the Moors the basis for grants of widely divergent *fueros* and special privileges.⁵

In all of the municipalities the essential officers were the *regidores* (town councilmen). Their number was variable, ranging from four in the small *villas* to eight in the large *ciudades* and to twelve in the capitals, as for instance Mexico and Lima. Their importance was due to the fact that they had power of decision in matters of routine administration, and because from their number were annually chosen the *alcaldes ordinarios* (municipal judges, usually two in number) and the *alférez* (herald), whose function it was to bear the municipal banner on festal days. In occasional instances, the *alférez* was also a *regidor*. After the inception of the *Hermandad* in the New World, its *alcaldes* were chosen from among the *alcaldes ordinarios*; this was later than

⁴ Frank W. Blackmar, *Spanish Institutions of the Southwest* (Johns Hopkins Studies in History and Political Science, Extra Volume X, Baltimore, 1891), Chap. VIII, "Spanish Colonial Municipalities"; Bernard Moses, "The Establishment of Municipal Government in San Francisco" (Johns Hopkins University Studies in History and Political Science, Seventh Series, Nos. II, III, February and March, 1889).

⁵ Legislation covering foundation of early municipalities is found in *Ordenanzas sobre descubrimiento nuevo y población*, in *Colección de documentos inéditos relativos al descubrimiento, conquista y organización de las antiguas posesiones españolas de América y Oceanía*, Tom. 8 pp. 484-527. This legislation was afterward largely incorporated in the *Recopilación de Indias*. The general law has been recapitulated by O. Garfield Jones under the title "Local government in the Spanish colonies as provided by the *Recopilación de leyes de los Reynos de las Indias*", in *The Southwestern Historical Quarterly*, Vol. 19, pp. 65-90.

the beginnings of municipal administration; in Lima, for instance, the *alcaldes* of the *Hermandad* did not appear until 1560.⁶ In New Spain the *alcaldes* of the *mesta*, or grazers' guild, appear among the list of annually elected municipal officers until well toward the end of the eighteenth century.⁷

The number of *regidores* varied from one period to another, as well as in classes of towns. In the *Ordenanzas*, cited above, it was provided that the governor of a new territory within which a city was to be erected should make declaration whether the new establishment was to be designated a *ciudad*, *villa*, or *lugar* (*pueblo*). The government of a metropolitan city was to contain one *alcalde mayor* or *corregidor*, he being characteristically the appointee of the central or provincial power. In his hands was to be placed the jurisdiction *in solidum*. The *capitulares* (town officials) designated in accordance with the colonizing grant, were to be the three *oficiales reales* (treasury officers), twelve *regidores*, two *jueces ejecutores*, and a small number of accessory executive and clerical subordinates. Two of these were the *jurados*, one of whom was prescribed for each parish in the new settlement, perhaps the prototypes of the later *alcaldes de barrio* of the eighteenth century. The *procurador general*, known as time went on as the *síndico* (city attorney), was a man of recognized ability, social category, and political influence in the community.⁸

For the smaller settlements, known as *villas*, *pueblos*, or *lugares*, the *Ordenanza* of 1563 provided one *alcalde ordinario*, four *regidores*, one *alguacil* or bailiff, and some minor officers. Here the *alcalde mayor* or *corregidor* was wanting; this would indicate that municipal life was more free from the trammels of supervision in the smaller places, or that the *alcalde mayor* extended his control to the lesser from the larger settlements, as later came to be the rule.

In the closing years of the colonial epoch, the number of *regidores* was set at twelve for the larger cities; eight was the number considered proper for Guanajuato and San Luis Potosí in New Spain, while most of the smaller towns were to have six. In the City of Mexico there were fifteen.⁹

⁶Altamira, *Historia de España*, II, 313.

⁷A. Cavo, *Los Tres siglos de México*, *passim*.

⁸Lucas Alamán, *Historia de México*, I, 58. J. N. Rodríguez de San Miguel, *Manual de providencias económico-políticas para uso de los habitantes del Distrito Federal*, 215.

⁹Cf. Alamán, *Op. cit.*, I, 57. and Altamira, *Op. cit.*, III, 314.

The method of choice of the city officers was subject to notable variation. In new conquests it was usually the privilege of the leader of the expedition (governor, *adelantado*, captain-general, or whatever was his title), to nominate the first set of officers for the towns erected within the area of his roughly delimited royal grant. This power was conceded by specific permission contained in the conqueror's *capitulación* or grant, as in the case of Pizarro at Lima (1535), of Pedro de Alvarado at Santiago de los Caballeros (1524), and in numerous other cases.¹⁰ If this privilege was not specified in the *capitulación*, the municipality was organized by means of an election in which participated every free member of the expedition; nomination by the conqueror was, however, the normal and more usual method. Usually, when the first group so appointed or elected had served a natural year, which was the prescribed term of office, the retiring *regidores* designated their successors; certain conquerors, Pizarro and Alvarado again as illustrations, named the successors. Until 1621 or 1622 the *oficiales reales* or treasury officials, whose principal duty it was to care for the interests of the king's revenues, sat in the municipal *cabildos* "with voice and vote." Restrictions on this practice had begun in 1567, when the *oficiales reales* were forbidden to serve as *alcaldes*.

The periodical renovation of the city's governing body was attained not only by the annual election, but also by the provision that no *regidor* might be re-elected until one year had elapsed since his term of service; in the case of the *alcaldes ordinarios* at least two years must have so elapsed. The efficiency of this inhibition was largely nullified in practice by the rotation in office of members of a few allied families, who maintained oligarchical control in alternation.

It was the royal intention, as evinced in the earlier legislation, to prevent the central authority, represented by the viceroys and governors, from intervening in municipal elections, but the laws to this effect were nullified in practice by the central officers, who had the legally prescribed power to confirm or disapprove the annual elections. An instance of such interference occurred in Buenos Aires in 1590, despite the efforts of the *cabildo* to prevent. Again in 1609 Governor Saavedra of Buenos Aires named an *alguacil* (marshal) "with voice and vote" in the *cabildo*.

¹⁰In the towns which sprang up about the *presidios*, the municipal *cabildo* might remain absent for a long period, as in the case of San Francisco, California, which existed from 1776 to 1834, without the *cabildo* organization, Moses, *Op. cit.*, 17-18.

The perpetual *regidores* (of whom more later) acceded to the illegal appointment, but the elective *regidores* resisted until the governor coerced them by a fine of five hundred pesos each. Not only fines, but imprisonment, resorted to repeatedly by governors, served to enforce their predominance, which brooked no opposition. So far was the practice carried that men refused to accept municipal office, like the senators of the Roman Spanish towns, until fines were imposed to oblige them to accept.

Not only was the elective faculty overridden to a large extent by the viceroys and governors; still another feature of administration served to reduce it. This was the practice of selling offices, due to the impecunious condition of the Spanish crown. The Catholic Kings had forbidden the sale of offices, and Juana la Loca had restricted it to non-judicial offices; by the end of the seventeenth century, however, the practice had become settled and general. Frequently public offices were disposed of by auction to the highest bidder. In Buenos Aires in 1644 a number of regidorships were auctioned, bringing revenues from eight hundred and fifty to twelve hundred and fifty pesos. The position of *alcalde de la Hermandad*, thus disposed of in 1671, produced thirteen hundred pesos. Lesser municipal offices, as those of *escribano* (notary) and *alguacil mayor*, were leased or farmed for a lump sum to be covered by the incumbent from fees collected.¹¹

Navarro y Lamarca, following several writers of the epoch during which the practice of selling offices was in vogue, thinks that the system has been overcriticised, and that the men who bought offices were more inclined to administer them conscientiously than were the "irresponsible and voracious minions of the viceroys." The same author calls to attention the fact that Montesquieu considered the practice advantageous and perfectly proper.¹² Insofar as his efficiency was concerned, it may be safely asserted that whether the position of the *regidor* was obtained by purchase or by election, that accident was of less importance in determining his value to the State than was the fact that the whole political hierarchy of the Spanish empire, colonial and peninsular alike, was characterized by malfeasance and graft with such notable exceptions that honesty in office was the crowning virtue whereby many names of colonial administration have become conspicuous if not illustrious.

¹¹García, *La ciudad indiana*, 170-171.

¹²*Op. cit.*, II, 341, note 1, citing *L'Esprit de lois*, Cap. XIX, Cf. E. B. Bourne, *Spain in America*, 227-229.

One very notable effect of the sale of offices was the tendency of the central authority to increase unduly the number of them for the sake of the revenue thus produced, regardless of the consequence to efficiency. This caused a cynical attitude toward tenure of office which did not a little to destroy the public spirit of the colonists. The customary sale of the office of *regidor* seems at no time to have eliminated completely the feature of election of at least part of the municipal corporation. Six of the *regidores* of the City of Mexico were elected every two years by the perpetual *regidores*, who held by purchase or inheritance; this at the close of the eighteenth century.¹³ The power to appoint *perpetuos* had, indeed, been held by some of the earliest conquerors; Pizarro, by the terms of his *capitulación*, could name three of them. The purchase of the *regiduría perpetua* by well-to-do families gave in time to the creole families of colonial society their one avenue of admission into participation in *la cosa pública*, though it is true that at times, through default of suitable Spaniards, the creoles came into control of the *audiencias* (supreme courts of justice with certain administrative functions). It may be little doubted that the preponderance of the creole element in the *cabildos* was one of the compelling motives for the policy pursued by the Spanish government in emasculating these as authoritative bodies.

So much, briefly, for organization and perpetuation of the *cabildo*. Of equal interest is the subject of the general powers of the municipal corporation. These were both administrative and judicial for their areas, but their range was limited by the original grant of privileges, and more especially as time elapsed, by the issue of ordinances for municipal guidance by the viceroys and *audiencias*. The general laws of the *Recopilación de Indias* combined with these ordinances to reduce the initiative of the city government to a minimum. Judicial functions were supposed to be exercised by the *alcaldes ordinarios* in first instance in both civil and criminal suits. In civil suits involving certain sums the *cabildo* was a court of appeal also from the decisions of the *alcaldes*; it might itself be appealed to from the governor, though the practice of the *audiencias* of sending out special judges for causes of consequence gradually limited the bases for appeals which would normally have gone through the municipal courts.¹⁴

¹³Alamán, *ubi supra*, n. 8.

¹⁴Hipólito Villaroel, *Enfermedades políticas que padece esta capital de Nueva España*, MS, Tom. I, parte 2a, folios 95-102.

In affairs of administration the *cabildo* was theoretically independent in everything that had to do with the adornment of the city, the improvement of its public works, regulation of economic affairs, such as fixing the prices of products, wages, and the levy of local taxes, the inspection of jails and hospitals, administration of the public lands (of which more anon), and the oversight of public morals. All of these cares of the municipality were by a *cédula* of 1535 carefully distinguished as administrative and not judicial, so as to forestall the intervention of the judges of the *audiencias* in them. As a matter of fact, however, the *cabildos* were in all of the above matters under the domination of the *corregidores* or governors, who presided over them and had the power of executing the *acuerdos* (votes) of the *capitulares*, and these decisions they often modified or nullified through interpretation or neglect. The *corregidores* were notorious for their injustice in the division of the public lands and in their efforts to profit personally from the exercise of authority.

The *cabildo* deliberated usually in secret, that is, there were not public hearings of their sessions, and the *capitulares* were bound by oath to maintain secrecy in regard to their deliberations. Notable variation from this procedure occurred when, for the purpose of negotiating a forced loan (*donativo*), for the king, the influential and well-to-do members of the community were invited to join what was known as the "*cabildo abierto*" (open town meeting). Such meetings occurred frequently in Buenos Aires during the seventeenth century.¹⁵

A still more noteworthy development of *cabildo* government occurred in the earlier part of the Spanish domination. In the island of La Española there began, shortly after the initiative of the settlers had brought about the establishment of municipal governments, the practice of holding assemblies of the *procuradores* of the towns after the manner of the gatherings of the *Cortes* in Spain. These convocations had the right of assembling without the call of the governors, and were empowered to authorize the latter to execute whatever might be conducive to the general welfare. This created a type of resolution which was used as a temporary substitute for the decision of the Council of the Indies, which, arriving tardily, as was frequently the case, was often found inapplicable to the situation which it was intended to affect. The assembly of the *procuradores* also came into

¹⁵García, *Op. cit.*, 199-201; cf. Bernard Moses, "The Colonial City," Chap. XVIII, Vol. II, of his *The Spanish Dependencies in South America*.

vogue in Cuba; it met annually at Santiago de Cuba for the purpose of recommending to the king measures of state interest and reporting to him the necessities of the island, together with petitions that he supply them. This practice was in vogue as late as 1532 and 1540, as records of such assemblages bear these dates. On the continent the practice was continued, particularly in New Spain and New Castile, where the congresses of the towns were recognized by Charles V in *cédulas* which gave to Mexico and to Cuzco, respectively, the right to the first vote in the assemblies. During the sixteenth and seventeenth centuries no less than forty such assemblies were held, though little is now known as to their history and effectiveness, save that they were, of course, means of communication and petition.¹⁶ The congresses of New Spain, says Alamán, writing of the beginning of the independence period, had long ceased to meet.

Of a congress of the towns of New Spain which met in the year 1528, it is recorded that the purpose of the convocation was to send a representative to court with suitable instructions. *Procuradores* of the towns of Mexico, Vera Cruz, Espíritu Santo, Colima, and San Luis participated in the deliberations "in order to discuss and vote upon what might be to the service of God and his Majesty and to the perpetuity of this land." At this session, May 26, two *procuradores* were elected to be sent to Spain. On June 1, another session voted to give these agents a salary of four ducats per diem from the time they should leave Mexico City until they should have fulfilled their mission. The towns prorated among themselves a fund of nearly seventeen hundred *pesos* for this journey in the following proportions: Mexico paid eight hundred *pesos*, Vera Cruz three hundred, Espíritu Santo seventy, Colima fifty, Zacatula two hundred and fifty, San Alfonso de los Zapotecas fifty, San Luis one hundred. In 1528, when Dr. Ojeda was making a voyage to Spain, the congress had voted him a commission "to negotiate with his Majesty to have granted to the city of Mexico, in the name of this New Spain, a voice and vote in the *Cortes* which his Majesty and the kings his successors might order convened." This privilege was granted.¹⁷

¹⁶Altamira, *Op. cit.*, III, 316, cf. Alamán, *Op. cit.*, I, 39, 58.

¹⁷Alamán, *Disertaciones sobre la historia de la República Mexicana*, II, 315-316; cf. *Id.* I, 167, 259. See also *Copia de la mayor parte y mas importante y útil del Libro Primero que comienza en ocho de marzo de 1524 y finaliza en 10 de junio de 1529, en que se asentaron todos los cabildos y juntas que tubo la Nobilísima Ciudad de Mexico en dicho tiempo*, MS. folio 237. Later interesting material on the municipal régime of Mexico is contained in the *Traducción paleográfica del libro cuarto de cabildo de la Ciudad de Mexico*, Mexico, 1874. This imprint covers the period from January 1, 1536, to August 20, 1543. The printed *Actas del Cabildo del ayuntamiento constitucional de Mexico*, (Mexico, 1859-1905) cover the years 1524 to 1619, and 1883 to 1898.

One of the most important of the matters which concerned municipal existence in the Spanish colonies was the disposal and utilization of the land. Whether a town were founded by a conqueror or by a group of voluntary associates, the crown theoretically conceded to the new venture a grant of land four leagues square. The actual amount of land was, of course, modified by situation and other physical accidents. The basis of the subdivision (*repartimiento*) of the land was to provide suitable grazing and arable areas. In conformity with the usual European custom, land for residence purposes was distinct from that used for other purposes. First, then, were set aside at the center of the settlement a sufficient number of town lots (*solares*), around which was a strip of commons (*ejidos*) for various communal uses; beyond these were the *dehesas y tierras de pasto*, or grazing grounds, and the municipal grounds (*propios*) for lease for revenue under a system of perpetual leasehold payment, known as the *censo*. Aside from these lands, there was apportioned one-fourth of the remainder to the principal conqueror, and the remainder to the other settlers by *peonías* and *caballerías*, that is, in portions for footsoldiers and horsemen, varying in number granted to each in ratio of their importance or merits. It would be beside the present subject to go into the matter of the disposal of all these lands, and it is sufficient to say that it was from the *propios* that the municipality expected, when it had them, to derive a large part of its revenue. Accretions of numbers of new citizens, such as occurred at Buenos Aires after the original allotments, invaded the areas set aside as *propios* and impoverished the towns in proportion. Often, too, there were no lands actually set aside and utilized as *propios*, so that municipalities frequently lacked entirely this source of revenue. Other income was provided from the *arbitrios*, which were duties collected by the towns from mercantile business, trades, and products. From all sources the sums obtained were comparatively meager, and the control of the *cabildo* over them was limited as we shall see.

The establishment of a city of importance was sometimes accompanied by, but more frequently followed by, the granting of honors and distinctions attended by pomp, circumstance, and formality. These were not uncommonly conceded for the payment or gift of large sums of money needed by the monarch. The city was for some such consideration granted use of an heraldic device, the symbols of which commemorated noteworthy features of the

locality, an incident of the conquest, or the union of the city with the crown of Castile.¹⁸

The title of *Muy noble y leal* was usually prefixed to the designation of the city, and these words were used in correspondence or official documents. The City of Mexico was by order of Charles V, on July 24, 1548, designated "*La muy noble, insigne, y muy leal e imperial ciudad de Mexico*," which "shall enjoy the privileges and preëminences of grandee, as metropolis of this New Spain." In the official correspondence a city of this rank was addressed as "Ilustrísimo Señor."

Pomp and ceremony were observed, with careful regulation of the proper precedence of the municipal officers, when the corporation sallied forth "*en cabildo*" from the *casa de ayuntamiento* upon festival occasions, such as the celebration of the town's Saint's Day, to meet and greet a new viceroy, governor, *corregidor*, or what not. The installation of the *corregidor* of Mexico, as prescribed by the ordinance of 1728, affords a good illustration of municipal formality.¹⁹ The *corregidor*, after his election by the king, was required to notify the *cabildo* of his coming. That body went out in array to meet him and conducted him to the viceroy, of whom he was required to ask permission to present his title to the *audiencia*. This arranged for, the *cabildo* and retiring *corregidor* conducted the new appointee to the town hall, where he was to take up his residence. After the ceremony of acknowledgement of his title by the *audiencia*, a day for his formal reception by the *cabildo* was set by the new *corregidor*. At this quaint ceremony the retiring *corregidor* and the *regidores* rose to their feet with bared heads as the new *corregidor* entered their presence. The retiring executive received into his hands the royal appointment of his successor, kissed it, and placed it upon his head in token of obedience; he was imitated in this formality by the ranking *regidor*, the other *capitulares* remaining standing the while. This done, the new *corregidor* was required to take an oath to perform his office well and faithfully, to defend the purity of the Immaculate Conception of the Blessed Virgin, and to preserve the *fueros* and preëminences of the city, to keep secret the business conducted in *cabildo*, and to strive in all things to keep the republic in peace, doing all that he could to promote the happiness of the king's vassals. He was thereupon

¹⁸Antonio Peñafiel reproduces many of these heraldic devices in his *Ciudades coloniales y capitales de la República Mexicana*, 5 vols., Mexico, 1908-14.

¹⁹Rodríguez de San Miguel, *Manual de providencias*, pages 187-247.

presented with the staff of office, which was the public symbol of his rank and importance. Invested therewith, he stepped to the right hand of his predecessor, whom he thanked and congratulated. The record of the ceremony was required to be kept in the minutes of the *Libro de Cabildo*, which today furnishes so much interesting and valuable history of colonial municipal life.²⁰

In the first meeting of the *cabildo* after his installation, the new *corregidor* was notified that he must, within thirty days, post bonds for the *residencia* (judicial inquiry concerning administrative acts) which legally attended retirement from office in the Indies; if he failed to do so he was to forfeit his salary for the period of his delay. After all this had been done, the new *corregidor* escorted his predecessor to his new private residence, and then, all formalities having been complied with, a full and circumstantial report of his induction into office was sent to the viceroy and to the Council of the Indies.

How insistent the *cabildos* were upon their privileges and preëminences is shown from an occurrence wherein the *cabildo* of Guatemala came into conflict with the royal *audiencia* residing in the same capital upon the occasion of the reception of a newly appointed bishop of that see. In 1737 the *cabildo* complained that it had been prevented from seating its two *alcaldes* in the choir of the cathedral in the seats of the dean and the archdeacon during the installation of the bishop. This ancient "*fuero y privilegio*" was denied the secular *cabildo* by the religious *cabildo* (chapter of the cathedral). The president of the *audiencia* was appealed to, but he gave no comfort to the insulted *alcaldes*, refusing to intervene for them, but on the contrary ordered the secular *cabildo* to attend the ceremony in a body. When they refused, he designated them "*inobedientes*," fined them five hundred *pesos*, imprisoned them, and deprived them of their arms and insignia. The *audiencia* named new *alcaldes* and *regidores*, with whose attendance the installation of the bishop was celebrated. The crown absolved the *capitulares* of their fines and

²⁰Among the municipal documents available in print, besides those for Mexico City mentioned above in Note 17, are two small volumes for Guatemala, edited by Rafael Arévalo: *Colección de documentos antiguos del archivo del ayuntamiento de la Ciudad de Guatemala*, Guatemala, 1857; and *Libro de actas del ayuntamiento de la Ciudad de Santiago de Guatemala. Comprende los seis primeros años desde la fundación de la misma ciudad en 1524 hasta 1530*....Guatemala, 1856. For Buenos Aires there have been published the *Acuerdos del extinguido cabildo de Buenos Aires*, 1907-08, and the *Documentos y planos relativos al período edilicio colonial de la Ciudad de Buenos Aires*, 5 v., Buenos Aires, 1910. The municipal life of Santiago de Chile is recorded, with documents, in M. L. Amunátegui, *El Cabildo de Santiago, desde 1573 hasta 1581*....3 volumes, Santiago, 1890-91.

restored them to their positions and honors, but the characterization of "*inobedientes*" was left standing. To overcome this, the *capitulares* appealed to the crown to order the *audiencia* henceforth to observe its legal limitations and not interfere with the regulations prescribed for ceremonies in which *cabildo* and *audiencia* were to participate. In November of 1737, the king answered this petition by ordering the president of the *audiencia* to hear both the *audiencia* and the *cabildo* and report his findings to the Council of the Indies. His report the following year showed that the *audiencia* had arrested the *cabildo* "first, to maintain its own decorum and authority, and, second, because the plebeians were watching to see what would happen between the *audiencia* and the *cabildo*." But, as the *capitulares* had shown that their refusal to attend the installation was not due to a spirit of disobedience, but merely to preserve their privileged preference in the matter of seats, the president judged that they were without real blame.

To cut the story short, the king in 1740 ordered that the *audiencia* should henceforth refrain from attending episcopal installations in a body, and that the *alcaldes ordinarios* be restored to the ancient seating procedure which obtained before the *audiencia* began (illegally) to participate in this ceremony.²¹ The incident illustrates the length to which municipal bodies were willing to go to maintain their "ancient privileges," and shows how puerile some of these were. It also points illuminatingly to some of the difficulties with which the Spanish crown had to contend in administering its colonies. The quarrel had lasted three years, and numerous hearings had been held both in Guatemala and Madrid before the childish difference was settled. Interest attaches also to the fact that in this instance the *cabildo* was victorious over the *audiencia*; rather the exception than the rule.

During the rule of the House of Hapsburg the political institutions of the Spanish empire suffered from the gradual decay which brought threat of disintegration at the time of the demise of the last monarch of that line, Charles II. When the House of Bourbon ascended the throne in the person of Philip V, the policy of the nation became one of general reform, based on the French model of administration. So far as the Indies were concerned there were not marked symptoms of this change until the time of

²¹R. Arévalo, comp., *Colección de documentos antiguos del archivo del ayuntamiento de la ciudad de Guatemala*, 9-13.

Charles III (1759-1788). That benevolent despot began his program of rehabilitation by sending to New Spain the distinguished visitor-general, José de Gálvez. This minister was instructed, among other things, to take note of the condition of the municipalities, particularly for the purpose of reforming their financial systems so as to prevent malversation of funds, the conspicuous sin of municipal administration. In 1767 he began this work while on a visit to the northern provinces of the viceroyalty. The cities of San Luis Potosí and Guadalajara were found to have allowed their *cabildos* to fall into desuetude, a condition widespread in Spanish America at that time. In San Luis Potosí there were only two *regidores*, and these mere lieutenants and not *propietarios* as they should have been; one of them was also *alcalde ordinario*, which he should not have been. Gálvez accordingly caused six new *regidores* to be elected for a term of one year, the number thus being made eight. The city was also now divided into ten *barrios*, or wards, each of which was placed under control of a *regidor* or an *alcalde*. A list of all the resident tributaries was ordered made, and the neglected practice of guarding the municipal treasure by use of the strong box with three keys was restored according to law. Similar provisions for the revivification of Guanajuato were made by the visitor-general at this time.

Upon his return to the capital, Gálvez found that an investigation of the cities of the viceroyalty which he had inaugurated had disclosed unbelievable disorder and confusion in municipal finance. In many towns no account books had been kept at all, even for the simplest receipts and expenditures. The situation was so bad that it was thought wise to establish in Mexico City a *contaduría general* which should keep the accounts of all the municipalities. After the establishment of this accounting office no expenditures of city funds might be made by *regidores* without prior consent of the *contador general*. Plainly this reduced the municipalities to a level of irresponsibility which was later to be surpassed by the provisions of the Ordinance of the Intendants, which went into partial effect in 1786.

For the City of Mexico the reforms of Gálvez were embodied in an ordinance promulgated by the viceroy in 1771. The essential feature of this ordinance was the increase of responsibility placed upon the municipal officers with decrease of salaries and fees. Duties such as the inspection of markets, of weights and measures and other cares grouped under the heading of *policía* (good gov-

ernment) were still, as under the old regulations, to be performed by committees of the *regidores* in annual turn, but without the extra pay which had previously been conceded. The independence of the corporation was, by the minute provisions of the ordinance, reduced to the vanishing point.

Interference of the viceroy with the municipal body was emphasized by another ordinance emanating from the visitor and the viceroy for minute regulation of the bakers' guild of the capital. There were at that time, or shortly after, some fifty guilds of trades workers in the city, management of which gave to the government much concern. These might well have been cared for by the *cabildo*; but when the viceroy of a great kingdom like New Spain, twice as large as modern Mexico, could descend to the details of regulating the number of bakeshops and the size and price of loaves while the *fieles executores* (judges of weights and measures) of the *cabildo* sat by in silence waiting the issue of his dispensation, there could have been little left to the discretion or self-respect of the *cabildo*.

The Gálvez reforms contained still another manifestation of the centralizing policy of Charles III. This was the appointment by the viceroy of six *regidores honorarios* to sit with the twelve (later fifteen) elected and hereditary *capitulares*, without salary and in a purely advisory capacity. This was in emulation of the new system then in force in Madrid. The purpose was, of course, to give the viceroy closer oversight of municipal affairs and enable him better to oppose the radical creole element by drawing his appointees from the more conservative Spanish group. The regular members of the *cabildo* were restive under the new arrangement, and in 1794 obtained the power to nominate the *honorarios*; this continued until independence, and of course, did away with the effectiveness intended by their institution.²²

The municipal reforms initiated by Gálvez during the visitation of New Spain were incorporated in the legislation establishing the intendancies which went into partial effect in New Spain in 1786, similar legislation having previously been applied

²²Reglamento e instruccion del visitador general Don José de Gálvez para la Nobilísima Ciudad de México, mandada observar por el Marqués de Crois en decreto de 22 de Enero del año de 1771 (Mexico, 1771), *passim*.

Reglamento del gremio de panaderos de esta capital para su abasto y erección de un pósito de trigos y harinas a beneficio de su común (Mexico, 1771), *passim*.

Revilla Gigedo, Juan Vicente, Instrucción reservada que el Conde de Revilla Gigedo dió a su sucesor en el mando, Marqués de Branciforte, sobre el gobierno de este continente en el tiempo en que fue su virey (Mexico, 1831), Articles 154-156.

Priestley, H. I., José de Gálvez, Visitor-general of New Spain, 1765-1771. 222-26. 296-303.

in some measure in Havana in 1764 and in New Spain itself by Gálvez in 1765 (he being an *intendente de ejército* himself), and in Peru in 1782. The viceroy Revilla Gigedo was obliged to confess in 1794, however, that the provisions of the *Ordenanza* concerning municipal regulation had not yet been enforced.²³ Under its provisions, the *intendentes* (who superseded the governors and *corregidores*) were supposed to frame regulations for the control of town revenues derived from lands and buildings, that is, the *propios*. These regulations they were to submit to the *Junta Superior de Real Hacienda* (the standing administrative committee of the treasury system) for approval, but they had neglected, said the viceroy, to do either. As a result, there was no improvement in the chronic malady of the municipalities. "Malversation of public funds is a common and inveterate evil... concerning which José de Gálvez... later marqués de Sonora, labored most and gathered least fruit."²⁴

But the life of the municipality was depressed in other ways than those which affected finance. Under the *Ordenanza de Intendentes* the local autonomy was completely prostrated by the absorptive action of the *Junta Superior de Real Hacienda*, the viceroy, and the "intendant-governors." Francisco de Croix in Mexico exercised his viceregal talents in supervising the cleaning of the streets, (at a later day Revilla Gigedo was fain to order the dung-hills out of the thoroughfares) repairing roads, providing pure water, public baths, illumination, hospitals, jails, foundling homes, and so on. All were, of course, necessary and valuable improvements, bringing the vassals willy-nilly into contact with the amenities of civilization, but the tragedy lay in the spirit of the system which brought the viceroy, the *alter nos* of royalty, drawing a salary of eighty thousand *pesos* per annum, to performing tasks which lesser men could have done as well if educated to responsibility and given normal outlet for self-expression in activities which form beneficent safety-valves to large groups of citizens who in flourishing democracies find fields thus opened to them for useful public service.

The *Ordenanza* gave the *cabildo*, so far as it was the means of conserving the self-respect of the towns, the *coup de grace*. Its nullity, long existent, was now given the sanction of law, the *capitulares* being given the merely routine drudgery imposed by central authority.

²³Revilla Gigedo, *Instrucción reservada*, ubi supra: *Real ordenanza para el establecimiento e instrucción de intendentes* (Madrid, 1786), Articles 28-53.

²⁴Revilla Gigedo, *Instrucción reservada*, ubi supra.

The intendant of the province presided over the *cabildo* (as had the governor, theoretically, before him), kept the accounts of the *propios*; and reported the condition of finances to the *Junta Superior*, or else as in Mexico, neglected to do this at all. He divided the town funds into groups, that is, budgeted them, as prescribed by the *Ordenanza*, being guided in his expenditures by the hard and fast provisions of the general law. To complete the control, the *regidores* were practically eliminated from intervention in fiscal matters by the appointment of municipal *juntas* composed of the *alcalde ordinario*, two *regidores*, and the *procurador*. These committees had authority to manage city funds without the intervention of the other *capitulares*. The intendant also took over the supervision of agriculture, commerce, mining, forests, roads, streets, inns, public parks, and municipal buildings. He or his *asesor* (adviser) took over the guidance of municipal justice. In this duty the *asesor letrado* preserved the tradition of bulldozing the *regidores* with the same tyrannical cynicism that had been the chief characteristic of the deposed *corregidor*. The *Ordenanza* prescribed the intervention of the intendant or his *asesor* in matters of justice "to prevent the municipal judges from acting with partiality, passion, or vengeance."²⁵ But the *asesor* took it upon himself to intrude in all the deliberations of the *cabildo*; indeed, his manner of doing so was not, as instanced at Santiago de Chile, calculated to retard the inevitable process which eventuated in independence. "The *asesor letrado*," it was reported to the king, "does not treat the *cabildo* with that respect and moderation imposed by law and ceremonial. He interrupts with insulting words the most serious functions of this respectable congress. To make detailed statement of the outrages which have been endured by the members of this venerable corporation of the republic would be to descend to petty prolixity or to confess excessive affection for distinctions; hence, let it suffice to say that ever since the *asesor* assumed his duties there has been none of that peace which was enjoyed in earlier but less quiet times, because he believes that he can make his opinion prevail in the sessions of the *ayuntamiento* against the opinions of all the rest, by interrupting and depreciating in harsh and insulting phrases the opinions which he considers opposed to his own."²⁶

²⁵Real ordenanza, article 28; García, *La ciudad indiana*, 293.

²⁶García, *La ciudad indiana*, p. 294, citing M. L. Amunátegui, *Los precursores de la independencia de Chile*.....3 volumes, Santiago, 1870-1872.

In résumé then, it is apparent that the municipality was brought to the New World with the tradition of the ante-sixteenth century autonomy still alive, but that the expression of that autonomy in America was a mere flicker of the old-time independence extinguished by Charles V on the field of Villalar. The embryonic *Cortes* survived for more than a century in America, but only by sufferance of the monarch, and representation of the towns in the Spanish *Cortes* suffered all the vicissitudes of the peninsular organization plus the inherent difficulties of great distance, stormy seas to cross, and the tradition of colonial subordination to peninsular welfare. While the colonies grew in population, while the cities developed in size and opulence, their juridicial status, which should have kept pace with material success, was consistently sacrificed by a policy which feared the *creole* and *mestizo*, which based colonial welfare and imperial integrity on the exclusion of the colonist from participation in *la cosa pública* because he was, as a result of the completion of the vicious circle, very seriously incapacitated for proper discharge of the duties of citizenship. Small wonder that the cities, thwarted in the normal development by centralist control, became the centers of revolt and separation from Spain. After that, once free from the decrepitude of the declining control of the fatherland, they became centers of separatism and disintegration that defied for nearly a century the development of reasoned and self-directed nationalism.

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EDWARD DOUGLAS WHITE.

Chief Justice of the United States.

Chief Justice White died in Washington, D. C., May 19, 1921. Immediately thereafter, the bar of Louisiana, at a meeting in the Supreme Court at New Orleans, paid fitting tribute to the life and achievements of this distinguished Louisianian. A number of the lawyers made addresses and later, at the opening of the term of that Court on Monday, October 3, 1921, a memorial was read by Mr. Henry P. Dart, which has been printed as a preface to 149 Louisiana Reports pp. VII-XIII.

On Saturday, December 17, 1921, the bar and officers of the Supreme Court of the United States met in the court room at Washington and addresses covering the career of the Chief Justice were made by Messrs. John W. Davis, George Sutherland, Henry Plauché Dart, Frank B. Kellogg, William C. Fitts, S. P. Freeling, Charles Henry Butler, Lawrence Maxwell and Levi Cooke. The meeting adopted Resolutions which on Monday, January 16, 1922, were presented to the Supreme Court of the United States by Attorney General Daugherty, who accompanied the Resolutions with an eloquent address. Chief Justice Taft responded on behalf of the Court. The proceedings of the Bar, including the Resolutions, the address of Attorney General Daugherty and the response of Chief Justice Taft have been printed by the Court in a handsome volume and the three last mentioned (Resolutions, Address of Attorney General and Chief Justice Taft's Reply) will appear as a preface to 257 U. S. Reports.

We feel that one of these Washington addresses should be preserved in the Louisiana Historical Quarterly and we have selected that made by Mr. Dart because it is the only one that covers the life of the late Chief Justice in Louisiana before he reached the Supreme Court of the United States. The life of the Chief Justice is indeed a part of the history of Louisiana and its incidents should be preserved in these pages.

In addition to the address of Mr. Dart we also print herewith a contemporary account of the Installation of Judge White as Chief Justice, copied from the New York Evening Post of Monday, December 19, 1910. In rescuing this historic ceremony from the files of the newspaper, we feel we are doing a further service to the history of that Court.

EDWARD DOUGLAS WHITE.

*Address Delivered at the Meeting of the Bar and the Officers of
the Supreme Court of the United States, Washington,
D. C., December 17, 1921.*

By Henry Plauché Dart.

The Committee has asked me to second these Resolutions with no reason for the partiality that I can discover save perhaps that I am of the same countryside as the late Chief Justice, and if I shall fall into a more intimate or personal view of that great citizen of Louisiana, this must be my excuse.

Chief Justice White was a Louisianian of the third generation, following his father and his father's father with a name that for a hundred years has always counted in the welfare and statecraft of Louisiana. The grandfather came out of Tennessee in that period when the lawyers of the remainder of the Union were hastening to the land of promise, the new Territory of Orleans, and it was his type that President Jefferson had in mind when he recommended to Governor Claiborne to utilize it in the Americanization of his administration to offset the ambitions and desires of the native born who, the President earnestly believed, were too recently released from Spanish tyranny to be able to appreciate their new liberty or to be trusted too far in their loyalty to their new Institutions. Governor Claiborne found in the first White of his Territory not only a man who measured up to the President's ideas, but one who quickly affiliated with the people of the ancient regime and materially aided in the reconstruction of the Territory.

The father of the Chief Justice, the first Edward Douglas White, increased the family prestige and added to the renown of the State. He was a good citizen, sound lawyer, and upright judge. Also, I may add, he was a successful farmer, an exception then as now to the common rule which seldom lets one serve two masters with the full approval of each. But this second White must have been a many-sided and thrifty man, for besides his judicial service he represented his District in the Congress of the United States three or more terms, retiring to be Governor of Louisiana for still four other years, and through it all he maintained his plantation and passed it on to his children.

The Chief Justice was born during that full tide of his father's honors (November 3, 1845), coming not only into a fair and pleasant place but into a great name, which he was destined to lift to broader horizons. The place was that region hallowed in literature as the home of Evangeline, a country watered by bayous, drifting gulfward between the Teche and the Mississippi, the land of Acadia. It was then and for a century had been a center of taste and cultivation, an old civilization dating from the first migration of the French to Louisiana. Within its wide boundaries lay proud St. Martinville, the "Little Paris" of the old French colony, and the village of Thibodeaux, with a cluster of sugar plantations supporting it, among them the birthplace of the Chief Justice, that spread its broad acres westward from the banks of Bayou Lafourche.

From what has been said it would appear that there was already existing in the Chief Justice's family an heirloom, the White luck, but he was even luckier in the quality of his birth, a country boy! That impalpable difference between the city and the country born, the children of the paving-stones and those of the field and farm, feather light though it may seem must always be considered in summing up the assets of a man's career. For a time the luck was beclouded, the good and great father passed away while the lad was a child in school; sent thence to Maryland to a boys academy, he heard there the mutterings of the Civil War and saw the breaking up of the boundaries and the gathering of the people of the North and the South in opposing armies. The boy was sixteen, and like other tens of thousands of his age and experience in both sections of the Union, he entered the ranks as a private soldier on the side for which his people stood; for the State his forefathers had lifted out of the wilderness, for the cause they had taught to their children and for which these children were willing to fight and die. But at sixteen these things are a boy's way, and a boy's way is a long, long way, particularly with a gun in the hand and in battle array. He made a good soldier, too, and he had the soldier's lot, bearing all and giving all, including hardship and sickness and capture. Paroled at Port Hudson in 1863, worn with fever, shut out from friends in the encompassed cities of his region, he began the long, dangerous and toilsome journey across the country to his home; falling at last by the wayside and making his peace with God, as the end hovered nigh. Rescued, as by a miracle, and restored to his

mother, the young soldier's campaigning closed, and he resumed his books and began that self-education which continued until the last hour of his life.

In 1865 he reached New Orleans and fell into the hands of Edward Bermudez, a Louisianian of like lineage but on the Latin side, a great lawyer already entered on what was to be a long and successful career, and later to be Chief Justice of Louisiana, but not until his young law student had preceded him as Associate Justice on that bench. Bermudez was a great Civilian. He was a master in that system; he knew its sources, the *Jus Civile*, the Legislation of Justinian, the Custom of Paris, the *Partidas* of Alphonso, the *Recopilacion* of Castile and the *Nueva Recopilacion* of the Indies, the Code Napoleon, the Codes and the history of the law of Louisiana. He knew these things even as you know your *Magna Charta*, the Common Law, the Constitution. He breathed and moved and constructed in the atmosphere of that system even as you do in the atmosphere of Anglo-Saxon ideas.

In Bermudez's office, fellow students with White, were young men of like origin, with names like his, of state wide appreciation; fine, ardent fellows, full of keen rivalry for the smile of their common mistress, the Civil Law. No matter what White's original endowment may have been here was a time and a place which would make and did make him, as our French cousins would say, a Civilian, notwithstanding himself. That law office was in *Vieux Carré*, the heart of old New Orleans, on Royal Street around the corner from the *Cabildo* where the Supreme Court of Louisiana held its sessions in the *Salle Capitulaire*, the Audience Chamber of the Governors of Spanish Louisiana. It was from this tribunal that White received in 1868 his license to practice law, his formal admission to the bar under the statutes of Louisiana, and this is the only degree so far as we know that the Chief Justice ever held, at least while he practiced in Louisiana. His alma mater was that old fashioned law office, and his first opportunity to prove himself came from the same source. Bermudez put into his care one of those cases which are favored of young lawyers, requiring the maximum of labor and responsibility and returning the minimum of honorarium. Bermudez cheerfully told him it was a forlorn hope, if not indeed absolutely hopeless; a comforting introduction, but he added, "You may win your spurs with it," and so it proved. It was the defense of an action brought by the governing body of the Parish of Jefferson, Louisiana, the Police Jury it is

called, to recover from a front proprietor of lands on the Mississippi the cost of constructing a levee to keep out its floods.* That obligation was on the proprietor by the immemorial law of Louisiana, but levees had largely disappeared in the havoc of war, and the domestic demoralization that followed left no owner able to fulfill the duty. The Governor of Louisiana thereupon created a Board of Levee Commissioners to superintend the work of reconstruction and his unauthorized act was ratified by the Legislature at its next session, and that body also directed the issuance of bonds and the expenditure of public money for that purpose. General P. H. Sheridan, the military commander of the United States removed the commissioners and caused others to be appointed. He further ordered the riparian proprietors to repair and strengthen their levees, to be repaid out of these public funds.

White interpreted (and the court held with him) these proceedings to be a substitution of a new rule for the old and that the ancient private duty had now become a public one. The question interested and affected a most powerful element, the property holders along the innumerable rivers and bayous that intersect the state. White's genius was equal to his opportunity and his victory not only swept away an intolerable incubus but it fixed his rank in the profession. The zeal, industry and learning expended on this "hopeless" case laid the foundation of the future public policy of Louisiana on the levee question, and when the reconstruction era was closing White was drafted into legislative service and his earmarks are on many acts concerning the subject passed during his term as State Senator. In the Supreme Court of Louisiana and in the Supreme Court of the United States it was again his duty to discuss and decide questions of similar import, and it may in truth be said that the light of the little candle of his first case has penetrated and illuminated the jurisprudence of our country.

White continued to practice in New Orleans following the usual course of life at the civil bar, but he was distinguished by his toilsome studies, not only in connection with his own clients but in the broader field that in our phrase, ranks such men with the jurisconsults. He wore that toga as his many predecessors and some of his contemporaries wore it, because it was his by right and in that it was placed on him by universal approval. The

* *Police Jury vs. Tardos*, 22 La. Annual 58 (1870).

mastery of his own system, however, did not suffice; the needs of an agricultural and commercial clientele required he should be able to meet all conditions of the service. It was not the day of specialization in the law, nor was it quite the old method of his ancestors, and so it was that long before he became a national character he was leader in the State of Louisiana in both sides of the court, ranking in Federal practice with the best of some strong and great lawyers, who came to us in the military immigration of the sixties, but who remained after they had discarded their uniforms to become honored and respected citizens of their adopted State.

But let it not be understood that White kept his nose solely to the books, or his ear solely to the clients. He was a vigorous partisan and held firmly to faith of his upbringing. He carried a musket in the battle on the levee in New Orleans in 1874 that upset the Kellogg government. He was one of those democratic members of the State Senate in that and in the succeeding year, whose refusal to sit with the body as organized by the Returning Board brought about the purge of the Hoar Compromise, and in 1876-77 he was high in the councils of his party, sustaining Governor Nicholls through the Hayes-Tilden controversy. In 1878, at the age of 33, he became an Associate Justice of the Supreme Court of Louisiana as reorganized by Governor Nicholls. He was not the youngest man who had held that seat but he was the junior of all his confreres. His first opinion dispelled any disparity in their ages, and wrote into the records of the court the presence of a civilian of the first rank. It was a little case and a commonplace question, yet it required for its decision a knowledge of the history, and an ability to touch, the sources of Louisiana law. The characteristics and methods exhibited in all his subsequent work in the Supreme Court of the United States may be found in this germ of his judicial life. That local judgeship passed from him under popular legislation which created a new government and discarded the office holders of the old, returning White to private life. A law partnership with his late confrere William B. Spencer and later with Eugene D. Saunders and Charles Parlange brought Judge White back to active practice and to many years of lucrative and important professional engagements. But again the party call stirred him and in 1888 he passed through one of those extraordinary and vindictive campaigns which seem so unnecessary and always so recurrent in our political system.

The victory made him Senator from Louisiana in the 51st Congress, taking his seat in 1891, and in that high place opportunity again knocked at his door, the White luck, if you will, still followed his star.

It is my purpose to hold your attention but a few moments longer. Senator White had pleased his constituents; was firmly rooted in their estimation and confidence, and had every reason to feel that he could remain in the Senate until it pleased him to retire, for Louisiana has not been fickle in her support of senators of that character. The unexpected tender by President Cleveland of a seat on the Supreme Court of the United States was, however, a promotion to a congenial task; one which strongly appealed to Senator White's judicial temperament. But even before he had returned an answer to the President the people of Louisiana recognized this situation and they voiced their desire with an unanimity that must have been very pleasant to him.

Justice White's life from 1894, when he took the oath of office in this presence, until the hour of his death is a part of our judicial history, and my merely local record could well end here without further trespass upon your patience. Yet I must add something that is equally personal or perhaps strictly Louisianian. We lawyers of that State are the little brothers to the rich in the legal system of the United States. We follow a course in many respects alien to yours. The terminology of our law is foreign to your law; but we have many things in common, and the judicial career of Associate and Chief Justice White in this court is an illustration of what is going on in Louisiana. He came to this bench with a knowledge of two distinct systems of law. Every question before him was subjected to an analysis in which both methods of thought had their part, and we cannot avoid feeling that the jurisprudence has been enriched in the result. Some future Bracton or Blackstone will find sources therein as we in Louisiana find them in our law, resembling and yet differing, but fused into something riper and richer still. With the civil, so with the public law enunciated by the Chief Justice. Coming from a State that once was the seat of a narrow construction of the Constitution, he demonstrated his faith, the faith of the people of Louisiana I may add, that the rights of the State under the Constitution have not been narrowed or limited but accommodated and protected by a wider outlook upon the Union than his forefathers took.

The mantle of Marshall fell upon White's shoulders, and every word that he has uttered indicates that the Constitution is a broad highway capable of sustaining the nation in every emergency and never to be used to destroy the units of the system, but on the contrary to harmonize and develop the rights of both along the lines upon which the future grandeur of the Republic must be built. Posterity will, I believe, link Marshall's and White's names together, the teacher and the disciple. Louisiana is proud that out of her loins sprang this staunch defender of the Constitution.

I have said that the legal system of Louisiana is the little brother of your great system, but it should not be surprising to you to know that while White was on this bench we regarded ourselves as in the house of our father. We were no longer strangers here, and under his great successor we know that we never will be. The hospitality to the civil law which we think began under Chief Justice White we know will be continued by the man who has experienced it elsewhere in the world, and we will hereafter come to this court as a wedding guest to the welcome that is extended to him.

A word more and I shall stop. Chief Justice White had a habit that would have won our hearts even had he not already possessed them. His door was always open to us. We participated in the happiness of that singularly happy domestic scene, and when we returned home we felt as a storm-tossed mariner feels when he find the light still burning and the course still clear. Alas, the watcher of the light has left it, but it shall continue to burn in our hearts forever.

(New York Evening Post, Monday, Dec. 19, 1910.)

WHITE IS CHIEF JUSTICE

INSTALLATION MARKED BY DIGNITY AND SIMPLICITY.

Supreme Court Room Filled With Persons to Witness Administering of Judicial Oath by Justice Harlan—Circumstances Which Rendered the Occasion Unusually Noteworthy.

Washington, December 19.—Everything that the Supreme Court does is marked by simplicity, dignity, and a high reserve. Its manners, customs, practices, and viewpoint mark it apart from other engines of Federal government. It has traditions, and follows established precedents as a rule of its being.

There was a really fine moment in the court this afternoon, when Associate Justice Edward Douglas White took the oath of office and became chief justice of the United States. It was fine in its simplicity and its lack of superfluous ceremony. Those who "assisted" (in the French phrase) at the event have cause to congratulate themselves that they were able to be present. Only a very, very few persons can ever hope to have the distinction of seeing and hearing a chief justice inducted into his high office. Many Senators sat within the space reserved for members of the bar, which was filled to its capacity, and all of the seats reserved for ordinary visitors and sightseers were occupied.

The court came into the chambers precisely at noon, as usual. Justice Harlan had the seat usually occupied by the chief justice. Justice White sat at his right. The two seats at either end of the bench were unoccupied. Justice Harlan read a few orders, and then, leaning both arms on the bench, addressed the crowded courtroom in the easy tone of ordinary conversation. He said in substance:

"Gentlemen of the bar: Justice White has accepted the tender of the President of the office of chief justice of the United States. His nomination has been confirmed by the Senate. His commission has been drawn and is now in the possession of the court. We congratulate our brother on the honor that has come to him and welcome him."

When Justice Harlan had finished speaking, the clerk of the court read Justice White's commission. The court rose, and every other person in the chamber at the same time stood up. Justice Harlan and Justice White turned and faced each other. The other justices faced toward them. From a bit of paper in his hand, Mr. White read clearly and with manifest feeling this oath:

"I, Edward Douglas White, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as chief justice of the United States, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States."

"So help you God," said Justice Harlan.

"So help me God," responded Mr. White with strong emphasis.

Justice Harlan held up a Bible which Mr. White kissed. The two shook hands and exchanged places. Chief Justice White bowed to the members of the court to his right and left. They bowed in return. The court sat down. The people in the chamber sat down. Justice Hughes began to deliver an opinion of the court, in his clear, vibrant voice.

That was absolutely all. Yet, no one who was in the chamber would willingly have missed the scene nor relinquished what will always be a clear recollection of its essential value and high importance.

UNIQUE FEATURES OF TO-DAY'S EVENT.

(Dispatch to The Associated Press.)

Washington, December 19.—Edward Douglas White, for sixteen years an associate justice of the Supreme Court of the United States, to-day became the ninth chief justice. It was the first time an associate justice had been elevated to the chief justiceship, and the first time a President and Senate of one political party had honored a member of a rival party by placing him at the head of the highest court in the land.

Unlike the inauguration of a President as the head of the coordinate branch of the government, the induction into office of a chief justice of the United States has always been without osten-

tation. The ceremonies of elevating an associate justice of the court into the chief justiceship begin in the court's robing room. Here the oath of allegiance is administered, just before the court takes its place on the bench. The oath taken to-day was in the form prescribed by law. It read:

"I, Edward Douglas White, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of which I am about to enter. So help me God."

Unusual interest was centered in the taking of this oath to-day by the first chief justice, who had borne arms in the cause of the Confederacy. It was administered by the senior associate justice of the court, Justice Harlan, who had borne arms at the same time in the cause of the Union.

The oath to which the new chief justice subscribed in the open court is known as the judicial oath as distinguished from the oath of allegiance.

The Supreme Court adjourned to-day until January 3.



CEARD'S CASE 1724.

A Colonial Law Suit Between Front Proprietors on the Mississippi River, Regarding Levees and Drainage.

CEARD
vs.
CHAUVIN FRERES.

In the Superior Council
of Louisiana at New
Orleans, 1724.

The record here translated covers what was probably the first serious law suit in the Colony of Louisiana after the capital had been moved to New Orleans. There were two concessions (grants of land) lying contiguous to each other on the left bank of the Mississippi River above the city, one called the St. Reyne, the other the Chapitoulas. It would doubtless be possible from our records to locate these concessions with exactitude, but that investigation is unnecessary as the Chapitoulas concession survived in whole or in part under its modern spelling "Tchopitoulas" as the name of a plantation owned by the Soniat heirs in the Parish of Jefferson, that has only recently, (1921) been sub-divided and sold. These owners trace their title under a chain or abstract that carries back to the persons who were parties defendant in this old law suit. With this light before us we are able to say that these two concessions lay about "three or four leagues," say nine to twelve miles above the City of New Orleans, as it was laid out in 1721, by Bienville.

It appears from the suit that in the spring of 1724 the Mississippi River, then unprotected by levees, overflowed its banks, and the Chapitoulas escaped serious damage, while the St. Reyne place was submerged. The owners of the St. Reyne brought suit charging that the injury they had suffered was not due to the overflow but to the fact that the owners of Chapitoulas had constructed dams and ditches on their land that diverted the water from that concession and threw it on St. Reyne. The question presented was whether the defendants were within their legal rights in this construction and whether they were not on the contrary liable to St. Reyne for the injury suffered in consequence.

This old record presents the pleadings and the evidence of the several parties and it is interesting as showing how a civil law suit was conducted at the very beginning of our legal history.

Indeed, it is absolutely necessary to any one who would study or discuss the origins of our forms of pleading. The case was decided in favor of St. Reyne and the decree ordered the undoing of the wrong, in other words there was a mandatory injunction issued. It appears that this was not obeyed and in its final shape damages were assessed against Chapitoulas, and in that day this decree was enforceable by imprisonment. On the whole it is a very interesting and unneighborly law suit. But as legal historians, we are glad this record has survived for our study. It is a legal legend in Louisiana that this was the first case to present the question as to the obligation of adjoining owners on the Mississippi River, both as regards the duty of building levees and as to the legal liability resulting from the failure so to do and from diverting, even in self-protection, the waters upon their neighbors. It is also said that this decision was the legal authority relied on by Governor Perier, who succeeded Bienville as governor, for the legislation that threw the burden of levee building on front proprietors, a principle of law in Louisiana that survived long after the transfer of this country to the United States.

The suit was instituted in March, 1724, before the Superior Council of Louisiana, which was the law court established by the King of France for all civil and criminal procedure in the colony, and it was in fact the only court during the French regime that had jurisdiction over such matters. The case was tried before this court and the judges were the members of that Council, namely, Bienville, Brusle, Fazende and Perry, all of whom presided over the trial, and all of them signed the judgment.

The litigants were Ceard, Director of St. Reyne concession, plaintiff in the case, and Beaulieu, de la Freniere and Dubreuil (brothers Chauvin) the several owners of Chapitoulas, defendants in the suit.

The translation here furnished is one of the most difficult we have encountered and several of us have tried our teeth on it—Mrs. Cruzat, Mr. L. J. Guidry and the writer, being among the victims.

HENRY P. DART.

INDEX TO DOCUMENTS HERE TRANSLATED.

- No. 1—Certified copy of original petition, and order of the Council thereon; Clerk's return of service.
- No. 2—Motion of Ceard to proceed with the investigation; Appearance of the defendants; Order of Judge Perry to proceed.
- No. 3—Report of Chaville and Broutin, engineers; Supplemental report of engineers.
- No. 4—Brief on behalf of Ceard.
- No. 5—Brief on behalf of Lafreniere.
- No. 6—Signed minute record of judgment.
- No. 7—Unsigned judgment drawn in accordance with the preceding document.
- No. 8—Memorandum annexed to the judgment, giving quota of negroes to be furnished by each plantation in the building of a levee on the River.
- No. 9—Supplemental petition of Delery.
- No. 10—Minute record of judgment on boundary dispute.
- No. 11—Unsigned judgment fixing boundaries, being an elaboration of the preceding minute record.
- No. 12—Demand of Attorney General on default of the parties to furnish negroes as ordered by the Council.
- No. 13—Order of the Council on the demand of the Attorney General.
- No. 14—Signed minute record of final judgment.
- No. 15—Unsigned judgment assessing damages.

March 14, 1724.

DOCUMENT NO. 1
1724

March 10th

Certified Copy of
Original Petition

To Our Lords of the Superior Council of
the province of Louisiana.

Humbly petitions Céard, Director of the
Ste. Reyne concession, saying that he has
been advised by letter from Sieur Duplessis, sub-director of the
said concession, dated March 9th, 1724, that Sieur Beaulieu
Chauvin had closed a bayou which was an outlet to the waters
of a lake situated on the front of the Chapitoulas, thus emptying
them on the land of the said Sieur Céard, inundating it and mak-
ing it impossible for him to sow. Moreover, M. de la Freniere, his
brother, had a ditch dug along the road from his house to the
fence of the said Sieur Céard, which ditch drains on his lands,
flooding them entirely. As the petitioner should not receive these

waters from Sieur de la Freniere's land, who being notified of the damage done to his neighbors has answered that he preferred their land to be flooded than his, which is contrary to law and customs and causes him considerable injury.

This considered, may it please you, my Lords, to order said Sieur Beaulieu Chauvin to give passage to the waters of the lake through the bayou, where they ordinarily passed, and to said Sieur de la Freniere not to drain his land on his neighbors' who owe him no servitude and who have had no quarrel with him; to order that experts be named to visit this spot, with one of the Messieurs of the Council it may please you to name, to make a proces verbal on existing conditions, even to survey the land of the parties to determine the respective boundaries, all at the costs of whom it may in justice concern.

At New Orleans, this 10th of March, 1724.

(Signed) "Céard".

1724
March 10th
Certified Copy of
Preliminary Order.

The Council orders Sieur Beaulieu Chauvin to reopen immediately the bayou through which the waters customarily flow so that they may resume their usual course, and Sieur Lafreniere to drain his waters elsewhere than on his neighbors, under penalty of paying for the damage done and interest thereon. Concerning their respective boundaries the Council requests M. Broutin and M. Perry, Councillor, to proceed there and make a proces verbal thereon, to plant limits and boundaries, all at the costs of whom it may concern.

At New Orleans, this 10th of March, 1724.

Signed: Bienville, Bruslé, Fazende, Perry. And in the margin 'for Conclusions' fleurieu.

Collated with the original, on paper, at the instant rendered, by our chief clerk of the Superior Council of the province of Louisiana at New Orleans the ninth day of March one thousand seven hundred twenty-four.

(Signed) Rossard, Clerk

I, the undersigned, acknowledge having received from Sieur Duplessis copy of the above petition made at Chapitoulas this 11th March, 1724.

(Signed) Beaulieu

1724
March 14th
Clerk's Return of
Service.

In the year one thousand seven hundred and twenty-four, on the fourteenth day of March, at five o'clock in the afternoon, by virtue of the order of the Council of the tenth of the said month, on petition of *Sieur Céard*, Director of *Ste. Reyne* concession, we the undersigned chief clerk of the Superior Council of the province of Louisiana, residing in New Orleans, being present at the *Chapitoulas*, have notified *Sieur Chauvin Delery* at his domicile, speaking to his son;—*Sieur Chauvin de la Freniere*, at his domicile, speaking to one *Gaspard*;—*Sieur Chauvin Beaulieu*, at his domicile, speaking to *Sieur Delery*, his nephew, that concerning the inundation at the *Céard* concession *M. de Perry*, councillor in said Council the Attorney General of the King, *de Chauville*, one of his Majesty's engineers; and *Captain Broutin*, engineer, have come this day from New Orleans to investigate the cause of the inundation and to survey the land belonging to them as well as that of *Sieur Dubreuil*, and to draw up a *proces verbal*, on which to decide what justice demands, declaring to them that said proceedings will take place on the following day, Wednesday, fifteenth of the present month, summoning them to be present if they so choose, if not and in default of so doing, I declared to them that the affair will take its course either in their presence or in their absence, and I have given to each of them a copy hereof.

(Signed) *Rossard*, Clerk.

March 15, 1724
DOCUMENT NO. 2
1724
March 15th
Motion of *Céard*.

In the year one thousand seven hundred and twenty-four, on the fifteenth day of March, at eight o'clock in the morning, appeared before us, *Paul Perry*, Councillor of the King in the Superior Council of the province of Louisiana, *Sieur Céard*, director of the Concession of *Ste. Reyne*, saying that he has caused the *Sieurs Chauvin Delery*, *Lafreniere* and *Beaulieu*, brothers and inhabitants of the *Chapitoulas*, to be summoned on yesterday by act of *Rossard*, chief clerk of the Council, to be present at this hour to witness the visit and investigation of the causes which brought on the inundation of the dependent lands of the concession of said *Céard*, which is to be made in the presence of the Attorney General of the King by *Messrs. Chaville*, ordinary engineer of His Majesty, and *Broutin*, Captain engineer, and

the survey of their lands and that of Sieur Dubreuil, in order to adjust and remedy the same and to maintain peace and union between the above named parties. It being past nine o'clock and the Sieurs Chauvin having failed to appear, may it please you to order immediate procedure herein, in presence of the undersigned and in absence of the Sieurs Chauvin so that a proces verbal having been drawn up by Messrs. Chaville and Broutin, there may be ordered that which is just. All at the costs of whom it may concern; and has signed:

(Signed) Ceard

1724
March 15th
Appearance of
Defendants.

Have appeared the Sieurs Chauvin Delery, La Freniere and Beaulieu, brothers, declaring that conformably to the summons they consent to the surveying of their lands and the planting of limits of boundary to their respective holding, as the same was conceded to them by the Council; likewise to the visit and investigation of the causes of the inundation in order to remedy the same and arrive at the elimination of said causes; The whole without prejudice to their rights and actions, and have signed:

(Signed) Delery Beaulieu de Lafreniere

1724
March 15th
Order.

We, judge appointed on this case, have furnished to said parties certificate of their appearance; said motion and protest aforesaid considered we order that Messrs. Chaville, ordinary engineer of the King, and Broutin, Captain engineer, proceed forthwith, in common accord, with the examination and visit on the causes which gave rise to the present inundation of the lands of the Ste. Reyne Concession, that survey of the lands be made and boundaries set at their limits, so that on report of the proces verbal by Messrs. Chaville and Broutin there be ordered what is just. Given at the Chapitoulas, the fifteenth day of March, one thousand seven hundred and twenty four.

(Signed) Perry

March 15, 1724

DOCUMENT NO. 3
1724
March 15th
Report of Engineers.

We, Chaville, ordinary engineer of the King, and Broutin, Captain and engineer, on request of the gentlemen of the Council, went to the Chapitoulas to examine the course of the waters proceeding from the overflow of the Missis-

issippi river. We observed that, beginning at the plantation of M. Dubreuil ascending to those of Sieurs Delery, Beaulieu and La-freniere, to and beyond the Ste. Reine Concession, the waters of the overflow opposite the said concession and plantation flowed towards the above first mentioned, and that the holding back of said waters by the levee along the said plantations had caused them to ascend above the Ste. Reyne Concession, where they spread, in order to take their natural level.

Their ordinary outlet according to our observations is through a bayou or rivulet between the plantation of Sieur La Freniere and that of Sieur Beaulieu, which carries these waters into the rear of their lands where they spread more or less as conditions allowed. That which confirms our opinion that the rivulet served as an outlet to the waters which ordinarily gathered before the said plantation is the marshy lands that border on the bed of the said rivulet, which appears to us to be marked evidence that they were at all times subject to the overflow of the Mississippi river. It further appeared to us that the weight of the water borne by the dike made from Sieur Dubreuil's plantation to the river is considerable, and that it is likely that the waters were partly drained by a lowland situated opposite the said plantation, and spread in the cultivated area of Sieur Dubreuil.

After due consideration and careful investigation it appears to us that the inundation of the Ste. Reyne land was caused by obstructing the above mentioned outlets and by the opening of a ditch by Sieur La Freniere to the river which furnished the first waters; that the present disorder at said concession can not be remedied otherwise than by giving the waters their natural outlet through the rivulet above mentioned, which seems to be sufficient to draw them promptly from the Ste. Reyne Land, which in a short time would be in condition for cultivation.

For the future our advice for the common welfare of the concessions and plantations of the Chapitoulas and to prevent the water from spreading over the lands is that it is absolutely necessary for each plantation to build a continuous levee along the Mississippi, with a ditch on the inner side of the lands to receive the water which would filter through the levee, and be conducted by canals into the rear of the lands, and to fill up the ditches communicating with the river, it being understood that this is meant for those who made them. This would prevent all accidents and

contentions between the concessions and the inhabitants at the Chapitoulas.

At the Chapitoulas, March 15th, 1724.

(Signed) Chaville Broutin

1724
March 20th
Supplemental Report.

Since signing the above proces verbal, having been consulted as to other means of remedying the present disorder with less cost and loss of time to the interested parties, we have found in concert that it would be expedient to build a coffer levee at the point marked on the plan by a yellow line, as this levee will serve to hold the waters and prevent their spreading over the cultivated lands of Ste. Reine, in faith whereof we have signed the said addenda to the proces verbal, this twentieth day of March 1724.

(Signed) Chaville Broutin

19 March, 1724
DOCUMENT No. 4
1724
March 19th
Brief on Behalf of
Ceard.

Brief for Sieur Ceard and those for whom he prosecutes, against the Sieurs Chauvin, brothers, planters of the Chapitoulas.

Gentlemen: You will kindly observe that Sieur Dubreuil's having made a levee for protection against an overflow of the river gave Messrs. Chauvin the idea of constructing a mill on their lands. Sieur de la Fresniere has since made a similar levee to the bank of the river, and to add to his safety, he has, which is significant, constructed a ditch up to the river, to which he has made an opening, which is authentically forbidden by all the laws, thus giving the river entry into all the lands which were far from needing it, for the reason that from the lands of M. Dubreuil to the vicinity of M. Ceard's buildings there is a low bottom, even a lake, which is never dry winter nor summer, and remains a pond and lake during the entire year as it is at all times a drain to the lands and empties into the Mississippi when it overflows.

The Council will please notice two things: first that the bank gradually ascends from M. Dubreuil's up to petitioner's, so that even when the Mississippi overflows and the frontage of petitioner is under water it is never half so much, and long after the Sieurs De Breuil and Chauvin are entirely flooded, it is even notorious that when all the lower lands are flooded the Ste. Reyne plantation never is, either now or in the time of Sieurs Guenot,

Massy and Coutorts, and that it has always been over half a foot above the water.

Secondly, that as soon as the levees and ditches of the Chauvin brothers were made and *Sieur Beaulieu's* bayou obstructed, the water overflowed at *Sieur Céard's* long before the Mississippi had overflowed and flooded lands which within the memory of man had never been under water. Notwithstanding he had never been flooded as above set out he nevertheless had the precaution to build levees proportionate to the danger which might be expected in certain places, and, to show that this case is not due to negligence, he asserts that this precaution was taken before *Sieur de la Fresniere* extended his levee to *Sieur Céard's* fence. He did not content himself with this; when he saw that the water reached the first levee, he increased his exertions and labor and built a second one to form a barrier in the path of the waters, but to no avail though he had besides dug large ditches on his lands to facilitate drainage of the waters. This expense would have brought success if each of those gentlemen had not taken such measures as caused the waters to swell, because without all this the *Sieur Céard* was not inundated last year, though the Mississippi had risen much higher without overflow. And the proof of this fact is that these same lands, now so inundated as to form a lake, were last year sowed with indigo, and were at this time prepared for another sowing, which makes it evident that the fault lies in the swelling of the waters caused by the opening made in the river bank, the damming of the bayou, and the levees of *Messrs. Chauvin*.

Thirdly, that the precautions we took to make dikes and ditches for drainage, instead of being to our benefit, has worked to our destruction by carrying the waters in too great abundance into the cypress swamp back of our cleared land, this place not being able to contain all the waters which the works put up by these gentlemen have caused to swell and fall upon us by the natural slope of the said cypress swamp and inundates us in the rear with the same water furnished from the front, making it impossible to plough or sow, except in so small a portion of the land that it would not suffice for the maintenance of one fourth of our laborers for the next crop. Moreover, by this cruel necessity, we are unable to work on carpenter's wood or boards in the said cypress woods so inundated as to be impracticable to all workmen, thereby suspending our most pressing work and edifices.

The defense which I am informed is resorted to by the adverse parties to gain their case is to say that if the *Sieur Ceard* had made common dikes he would not have been inundated.

This defense falls of itself for three reasons: first that the same parties made theirs only after awaiting the issue at *Sieur Dubreuil's*, whom they blamed at first. Second, that *Sieur Ceard* being on a higher grade could not foresee the overflow which would be caused by the works of the said *Sieurs La Fresniere* and *Beaulieu*, which the *Sieur La Fresniere* later so well recognized that, knowing the trouble indubitably came from his having made an opening for the Mississippi through his ditch, giving it entry everywhere, made all possible efforts to close it, but in vain and too late. Third, that all these works were arbitrarily made, without the consent of *Sieur Ceard*, without calling him, nor any one on his side. And finally to crown all of the above reasons, the *Sieur Ceard*, who was not ordinarily subject to inundation, had his lands under water in less than twenty-four hours, before the river overflowed, and immediately after *Sieur Beaulieu* dammed his bayou, though *Sieur Ceard* had made a dike and ditch along the fence which was sufficient to prevent a direct overflow from the river.

We do not answer to the other defenses, which is but light talk by these gentlemen, which we must pass in silence for fear of wearying the Council.

With all these considerations, the *Sieur Ceard* concludes in the name of said Concession, and as trustee thereof, that it please the Council to condemn the said *Sieurs Beaulieu* and *La Fresniere*, at their option to indemnify the Concession of *Ste. Reyne* for the non-usage of the lands inundated and in no condition to be sowed either with indigo or other crops of the country, also for all the work on indigo manufactories and other edifices, designed, begun, and about to be set up, unless they prefer to reestablish at their costs such conditions as will allow the waters to run through their ordinary course, to put the ground in condition to be sowed with indigo or any other planting contemplated, in a fortnight at the latest. And to condemn them moreover not only to the costs of the investigation, but to all expenses of the suit.

At New Orleans, this 19th of March, 1724.

(Signed) *Ceard*

March 21, 1724
DOCUMENT NO. 5
Brief on behalf of
Lafreniere.

Brief for Sr. Lafreniere
Against Sr. Ceard.

To prove that without cause he complains of the damming of the bayou, he offers to prove that the bayou was dammed a year ago during the overflow without any complaint from him until this year.

He also offers to prove that the opening made by the small ditch which he had dug to the river does not cause the inundation since he had it filled before the overflow reached the bottoms.

All of which consequently proves that the inundation of which Sieur Ceard complains is due to his own negligence in not having protected himself as others did; all the more so from the fact that M. Dubreuil was the first to begin and M. Ceard should have made him desist from work which he must have foreseen would in the future prove prejudicial to him.

At New Orleans, this 21st of March 1724.

(Signed) lafreniere

March 21, 1724
DOCUMENT No. 6
Signed Minute Record
of Judgment.

Session of March 21, 1724.

Between Sr. Ceard, Director of the Ste.
Reyne Concession, vs. Srs. Chauvin Delery,
La Fresniere, Beaulieu, and Sr. Dubreuil,

defendants.

The Council after having heard the parties, considering the report and advice of Srs. de Chaville and Broutin, engineers, orders that Srs. Dubreuil, Delery, Beaulieu and La Fresniere, immediately and without discontinuance, unite their forces with those of Sr. Ceard, according to the statement remitted to Sieur Broutin, to build, under direction of said Sr. Broutin, a coffer levee along the plantation of Sr. Ceard to dry up the lands, with trenches sufficient to drain the water which will filter through, the delinquents to be sentenced to payment of indemnity and interest to the inundated parties, and as soon as the water recedes each of them shall build on the bank of the river in front of his land a solid and contiguous levee, without opening to said river. The expense of the investigation and the costs in this case shall be borne by the said Chauvin Brothers.

(Signed) Bienville, Brusle, Fazende, Perry.

In the margin of the foregoing document there is written, "For Conformable conclusions," and is signed "fleuriau"

March 21, 1724
DOCUMENT NO. 7
Judgment (Unsigned)

Louis, by the grace of God, King of France, to all whom these present letters shall see,

Greeting: That between Sieur Ceard, director of the Ste. Reyne Concession, plaintiff on the allegations of his petition presented to the Council, of the order at the foot thereof, on date of March tenth, the present month, and of the citation issued to the Sieurs hereafter named by Rossard, Chief clerk of the Council, on the fourteenth of the said month, setting forth that in the matter of the inundations at Ste. Reyne Concession, Messrs. Perry, Councillor; Fleuriau, attorney general of the King; de Chaville, ordinary engineer of His Majesty, and Broutin, Captain engineer, would proceed on the said day to the Chapitoulas to see and investigate from whence the inundation proceeded, and to measure and survey the lands and make proces verbal thereof, the same to be reported and thereon to be ordered what is just, and that the Sieurs hereafter named be present, otherwise the same would be proceeded with in their absence as well as in their presence (and) Sieurs Chauvin Delery, La Fresniere and Beaulieu, brothers, inhabitants of the Chapitoulas, defendants, consenting to the foregoing, agreeably to their appearance expressed in the proces verbal of the fifteenth. The parties having heard the reading of said petition, order, citation and proces verbal of said dates, and the report of the condition of the premises made by Srs. Chaville and Broutin, engineers, on the fifteenth of this month, the written plea and conclusions of said Sr. Ceard and de la Fresniere, and of the conclusions of the Attorney General of the King, all of which duly considered, the Council after having heard both parties, having regard to the report and advice of Srs. de Chaville and Broutin, orders Srs. Dubreuil, Delery, Beaulieu and de la Fresniere immediately and without cessation to unite their forces conformably to the statement which the Council will furnish to Sieur Broutin, with those of Sr. Ceard, to build under direction of said Sr. Broutin, a coffer levee the length of Sr. Ceard's plantation, in order to drain the lands with ditches sufficient to carry away the water filtering through, and that those who refuse shall be condemned to the damage, with interest, sustained by the inundated parties, and, that as soon as the waters have gone down, each shall build in front of his place on the bank of the river, a solid and contiguous levee, without opening to said river; the expense of investigation and initial costs to be borne by the Chauvin brothers.

In testimony whereof we have caused these presents to be sealed.

Given in the Council Chamber the twenty first of March, one thousand seven hundred and twenty-four.

March 21, 1724
DOCUMENT NO. 8
Memorandum annexed
to Judgment.

Quota of negroes ordered by the Council to be furnished, by the Concessions and plantations hereafter mentioned, to work under M. Broutin, Captain engineer on the levees and other works, to prevent the overflow of the river and to drain the waters which inundate the Ste. Reyne Concession.

Ste. Reyne Concession, thirty-five negroes.....	35	_____
Plantation of Sr La Freniere, forty-five.....	45	_____
Plantation of Sr de Beaulieu, twenty-five.....	25	_____
Plantation of Sr de Lery, twenty-five.....	25	_____
Plantation of Sr Dubreuil, twenty.....	20	_____
Total; one hundred and fifty negroes.....	150	negroes

Decreed by the Council, March 21, 1724.

(Signed) Bienville Bruslé Fazende Perry Fleuriau

March 23, 1724
DOCUMENT NO. 9
Supplemental petition
of Delery.

To the Gentlemen of the Superior Council
of Louisiana.
Gentlemen:

Joseph Chauvin de Lery very humbly represents that in the year 1719, about the month of March, he had the honor to petition the Council for a concession of six arpents facing the wood-yard of the Chapitoulas. That, at the same time, each of his three brothers petitioned for the same quantity of land and also to obtain the same quantity for one of their nephews, the three adjacent to each other, so that the whole family would be adjacent each other. Their request was granted, and petitioner was the first to remove thence * * * * that of la-freniere and made it of value, with the one granted to his nephew; later on Lafreniere and Beaulieu came and did as much, and out of an impenetrable forest, by force of labor they made a fine and fertile plain. Sr. Guenot, grantor of Sr. Ceard, desired, in concert with the three brothers, to have said land surveyed in order to legalize their claim and preserve union among neighbors. Mr. Broutin was asked to do so and after measurement said Sr. Guenot was found to have encroached on the twenty-four arpents conceded to the amount of fourteen arpents, which is today the cause of litigation between Sr. Ceard and the Chauvin family.

In consideration of which, may it please you, Gentlemen, to end this contestation, after verification of this measurement, to order Sr. Ceard to reconvey from four to five arpents, (moving back on) M. Thierry's, who holds non-occupied lands, not yet conceded, on the offer to indemnify Sr. Ceard for a like quantity of cleared land as he has cleared, and let the four to five arpents be delivered and render justice.

(Signed) Delery

March 23, 1724
DOCUMENT NO. 10
Minute Record of Judgment on Boundary Dispute.

Thursday, March 23, 1724.

Between Srs. Dubreuil de Villars, Chauvin de Lery, de Beaulieu, de la Fresniere and Ceard, petitioners for settlement of their respective boundaries, and further, Srs. Chauvin plaintiffs by reason of concession of six arpents heretofore granted to Pierre Chauvin, their nephew, and Srs. Ceard and Guenot, made defendants, and last in possession.

The Council, rendering justice on the respective claims of the parties, orders that boundaries and limits be planted by Sr. Broustin, Captain engineer, on their respective lands, at the rate of 18 ft. to the perch, and that the six arpents heretofore granted to the nephew of Srs. Chauvin, who has not appeared in this colony, be taken on the land of the said Srs. Chauvin, his heirs, in fan shape, running from south southeast and north northwest, in view of the possession and costs of clearing by the Ste. Reyne Concession and its vendors, and that the whole be settled by the said Sieur Broutin and deposited in the Registry to be permanent and to prevent all litigation in future between the proprietors of the concessions of that place, and, that from the site of their houses the lines shall run perpendicularly to the river and as by these lines and survey there will remain a small space between the Concession of Ste. Reyne and that of Srs. Lafreniere, of approximately (left blank in the original), the Council grants the same to Pierre Chauvin, nephew, to serve as a landing and road to his land.

March 23, 1724
DOCUMENT NO. 11
Formal Judgment Fixing Boundaries (Unsigned)

Louis, by the grace of God, King of France and of Navarre, to all whom these present letters shall see, greeting:

That between Sieurs Dubreuil de Villars, Chauvin Delery, Lafresniere and Beaulieu, brothers, and Ceard, director of the Ste. Reyne Concessions, all inhabitants of the Cha-

pitoulas, petitioners before the Council for determination of their respective boundaries, and further, the Chauvin brothers plaintiffs against Srs. Ceard and Guenot, buyer and vendor, now in possession, for restitution of six arpents heretofore granted to Pierre Chauvin, their nephew, reading having been made of the respective concessions granted to each of them, recorded in the Registry, of their petitions and their respective boundaries, considering the conclusions of the Attorney General of the King, the Council, sitting in judgment on their respective claims, orders that boundaries and limits be planted on their respective lands by Sr. Broutin, at the rate of eighteen feet to the perch, and that the six arpents granted to the nephew of Srs. Chauvin, who has not appeared in this colony, be taken on the lands of Srs. Chauvin, his heirs, in a fan running from south to south-east and north to north-west, in view of the possession and clearing by the Concession of Ste. Reyne and its vendors, and that the whole be adjusted by Sr. Broutin and deposited in the Registry as a permanent settlement, to avoid all future litigation between the proprietors of the concessions of said place; that from the site of their houses the lines be made to fall perpendicularly on the river, and, as from this survey and partition there will still remain a small space between Srs. Lafresniere and the Ste. Reyne Concession of approximately (omitted in the original), the Council grants the same to Pierre Chauvin to serve as a landing and a road to his land, In testimony of which we have caused these presents to be sealed. Given in the Council Chamber, Thursday, March twenty-third, one thousand seven hundred and twenty-four.

March 31, 1724
DOCUMENT NO. 12
Demand of Attorney
General.

Before us the decree of the Council of the twenty first March, present month; the summons following on the twenty ninth, the answers of Srs. Chauvin, de Beaulieu, de Lery, La Fresniere and Sieur Dubreuil, on the same day; the petition of Sr. Ceard, director of the concessions of Ste. Reyne of the thirtieth March.

I demand, in the King's name, that Srs. Chauvin brothers, Dubreuil and Ceard be ordered to furnish their negroes according to the statement remitted to M. Broutin, Captain engineer for the work ordered by the preceding decree; that in default of furnishing them within twenty four hours and of leaving them until completion of said work, the Sieurs Lafresniere and Beaulieu cause to

be opened the bayou, and in default of their satisfying thereto on notice of the intervening decree that they be arrested and punished as disobedient to the King and to justice, and led prisoners here to be then ordered as shall appertain.

At New Orleans, March thirty first one thousand seven hundred and twenty four.

(Signed)

Fleuriau

March 31, 1724
DOCUMENT NO. 13
Order of Council on
Demand of Attorney
General.

Session of March 31, 1724

Between Ceard, plaintiff, and the Srs. Chauvin, Delery, Lafresniere, Beaulie and Dubreuil.

After consideration of the conclusions of the Attorney General of the King, the Council orders the said Srs. Chauvin, Dubreuil and Ceard to furnish their negroes according to statement remitted to Sr. Broutin, Captain engineer for the work ordered by our decree of (left blank); in default of delivering them within twenty-four hours and of leaving them there until the completion of the work, the Srs. Beaulieu and la Fresniere shall open the bayou, and in default of so doing on notice of the present decree, they shall be apprehended and punished as disobedient to the King and to justice and confined in the prisons of this city, to be ordered what shall appertain, the delinquents to bear costs and expense.

(Signed) Bienville Fazende Perry

April 3, 1724
DOCUMENT NO. 14
Signed Minute Record
of Final Judgment.

Session of April 3, 1724.

Between Sr. Ceard, director of the Concessions of Ste. Reyne (and) Srs. Delerry, La freniere and Beaulieu, brothers and the

Sr. Dubreuil de Villars defendant.

The Council sitting in judgment on the litigation between the present parties, deciding and establishing because of the non-execution of our decree of the thirty-first of March last, concerning the opening of the aforementioned bayou which caused the inundation of the lands of the concessions of the parties, orders that Srs. Delerry, Lafreniere, Beaulieu and Dubreuil arrange among themselves within two days from notice of these presents to furnish by way of indemnity to Sr. Ceard twenty arpents of ploughed land in condition to be sowed, for this year only, said land to be that nearest to the concession of Sr. Ceard; in default

of which, the delinquents are hereby sentenced to pay to Sr. Ceard six thousand livres for damages and interest, said sum payable in current coin of the country.

(Signed) Bienville Brusle Fazende Perry

April 3, 1724
DOCUMENT NO. 15
Judgment Assessing
Damages (Unsigned)

Louis, by the grace of God, King of France and of Navarre, to all whom these present letters shall see, greeting:

That between Sr. Ceard, director of the Ste. Reyne Concession, plaintiff for the execution of the decree of the Council, rendered in default against those hereafter named, on the thirty first of last March by which they are ordered to furnish their negroes according to statement remitted to Sr. Broutin, captain engineer, for the work ordered by another decree of the twenty third of the said month, and in default of delivering them within twenty four hours and of leaving them until completion of the work, they should reopen the bayou, and in default of satisfying thereto on notice thereof they should be apprehended and punished as disobedient to the King and to justice, and brought here prisoners to be ordered what should appertain, the delinquents to bear costs, the said Srs. Chauvin Delery Lafresniere, Beaulieu, brothers and Dubreuil de Villars, defendants opposing the decrees. The parties having been heard, reading made of the documents of the parties, the conclusions of the attorney General of the King also heard, the Council pronouncing judgment on the litigation between said parties, considering that our decree of above date could not be executed, in relation to the opening of the bayou which flooded the lands of the concessions and caused other inconveniences since the overflow of the Mississippi, orders that Srs. Delery, Lafreniere, Beaulieu and Dubreuil arrange together within two days from notification of these presents to furnish as indemnity to Sr. Ceard twenty arpents of cleared land in condition to be immediately sowed, for this year only, and this in the parts nearest to the lands of Sr. Ceard's Concession, in default of so doing, the delinquents are hereby sentenced to payment of six thousand livres of indemnity and interest to said Sr. Ceard, this sum payable in the currency of the country, and the costs.

In testimony whereof we have caused these presents to be sealed.

Given in the Council Chamber, this third of April, one thousand seven hundred and twenty-four.

CEARD'S CASE.

TEXT:

This Transcription is in Spelling, Style and Grammar in all Instances an Exact Copy of the Several Originals.

A Nos Seigneurs du Conseil
Superieur de la province de
La Louisiane.

Supplye humblement Céard Directeur des Concessions de Ste Reynne Disant qu'il a eu advis par la lettre du Sieur Du plessis Soubs directeur de la dite Concession du Neuvième mars 1724, que le Sieur de Baulieu Chauvin auroit Bouché un Bayouc par ou sescouloient les Eaux d'un lac situé sur le devant du lieu des Chapitoulas, ce qui les rejettent sur le terrain du d Sieur Céard, Et Linnonde de sorte quil se trouvera hors destât dy rien semer, outre cela le Sieur de la fresniere son frère a fait faire un fossez depuis chez luy le long du chemin jusques ala barrière du d Sieur Céard, qui a son Ecoulement dans ses terres, Et les noyent Entièrement, Et Comme le Suppliant ne doit point recevoir les Eaux du Sieur la fresniere, qui ayant Esté averty du dommage quil causoit a ses voisins, a répondu quil aimoit mieux quls fussent noyés que luy cequi Est Contraire aux lois et coustumes et luy Cause un préjudice Considérable.

Ce Considéré Vous plaise Nos Seigneurs ordonner au d Sieur Baulieu Chauvin de donner Lecoulement des eaux du lac, par le Bayouc ou Elles Secouloient ordinairement, comme au d Sieur La fresniere de ne point porter ses eaux sur les voisins qui ne luy doivent aucune Servitude, ou quil ait de Contestation de leurs part, ordonner quil Sera Nomé des Experts pour avec un des Messieurs Du Conseil quil vous plaira nommer à cet effet visiter ces lieux Et rapporter proces verbal de létat des choses, meme mesurer le terrain des parties pour Estre fait droit sur leurs pretentions au sujet des limites, le tout aux frais quil appartiendra et ferez justice. A la Nouvelle Orleans. ce 10e mars 1724. Signé: "Céard."

Le Conseil ordonne au Sieur Baulieu Chauvin de déboucher incessamment le bayouc par ou les eaux sont accoustumés de sécouller affin quelles aient leurs cours ordinaires, Et au Sieur de la fresniere de porter ses Eaux ailleurs que sur le voisin, a peine de

domage et interests, En résultant, et pour ce qui regarde les limites de leurs terrain, le Conseil priera Monsieur Broutin de sy transporter au premier jour, pour, avec Monsieur Perry, Conseiller, rapporter proces verbal, planter des limites et bornes, le tout aux frais de quil appartiendra, a la Nouvelle Orleans le 10e mars, 1724. Signée Bienville, Bruslé, Fazende Et Pery et en marge "pour Conclusions, fleuriau."

Collationné a loriginal en
papier a linstant rendu
par notre greffier en chef
au Conseil Superieur de la
Province de la Louisiane
a la Nouvelle Orleans le neuvieme
jour de mars mil sept cent vingt-
quatre. Rossard greffr.

Je Soussigné Connois avoir reçu Copie du Sieur duplessis de
Larequête Cy dessus fait aux Chapitoulas ce 11e Mars 1724.

beau lieu

Lan mil sept cent vingt quatre le quatorze jour de mars cinq heures du soir en vertu de lordonnance du Conseil du dix du d mois a la Requête du Sr Céard Directeur de la Concession de Ste Reyne étant présent aux Choupitoulas nous Greffier en Chef au Conseil Supérieur de la province de la Louisiane demeure à la Nouvelle Orléans soussigné avons signifié, et Déclaré au Sr Chauvin delery en son domicile parlant à son fils . . . au Sr Chauvin de la freniere en son Domicile parlant a la nommée Gaspard, parlant au Sr Chauvin de Beaulieu en son Domicile, parlant au Sr delery son neveu qu'au sujée de L'innondation arrivée dans la Concession du Sr Céard. Monsieur deLerry Conseiller au d Conseil, le procureur general du Roy, de Chaville ingenieur ordinaire de Sa Majèste et Broutin Capite ingénieur se sont transportés de la Nouvelle Orleans ce jour d'huy à l'effet de voir et examiner dou provient La-dte innondation et pour mesurer et arpenter les terrains tant à eux appartenant qu'au Sr Dubreuil et d'en dresser proces verbal pour sur iceluy Raporté être ordonné ce que de Raison Leurs déclarant qu'il y sera procédé demain mercredy quinze du present mois les sommant et interpellants d'y être présent si bon leur semble sinon et a faute de ce faire leur ay déclaré qu'il y sera procédé tant en absence qu'en présence et leurs ay Laissé a Chacun Coppie du present.

Rossard, greffr.

15 mars 1724.

L'an mil sept cent vingt quatre le quinze jour de Mars huit heures du matin Est Comparu Pardevant nous Paul Perry Conseiller du Roy au Conseil Supérieur de la Province de la Louisiane Le Sieur Ceard directeur de la Concession de Ste Reynne et il nous a dit qu'a l'heure présente il a fait sommer les Sieurs Chauvin delery et La freniere et de beaulieu freres habitants aux chapi-toulas par acte de Rossard greffier en chef au Conseil du jour d'hier a l'effet destre présent et voir faire La visitte et examen des Causes qui ont occasionné Lynnonation des terres dependtes de la Concession du dit Sr Ceard qui doit estre fait en présence de Monsieur le Procureur du Roy par Messieurs de Chaville ingénieur ordinaire de Sa Majesté et Broutin Capne ingénieur et de Larpentage qui doit pareillement estre fait de Leurs terrains et de celui appartenant au Sr Dubreuil a leffet dy remédier et entretenir La paix et lunion Entre les Susnommes Lesqls Srs Chauvin freres nétant point comparus ici attendu quil est neuf heures sonnées je requiers qu'il vous plaise ordonner qu'il y soit présentement procédé en présence des soussignés en l'absence des dits Sieurs Chauvin pour le proces verbal fait par Messieurs de Chaville et broutin raporté estre ordonnee Ce que de Raison Le tout aux frais at au dépends de qui il appartiendra et a signé.

Ceard.

Sont comparus Les d Sieurs Chauvin Delerry, La freniere et beaulieu freres lesquels nous dit que satisfaisant a la sommation estre Consentant qu'il soit procedé a larpentage des terreins a eux appartenants et planter des bornes de separation de Ceux appartenant a chacun Suivant et ainsy qu'il leur a ete Concedé par Messieurs du Conseil meme de visiter et examiner Les Causes de L'ynnonation arrivée a leffet dy Remedier et de parvenir a faire Retirer les d Causes le tout sans préjudice a leurs droits et actions et ont signé

delery. beaulieu. de lafreniere.

Nous juge deputé en Cette partye avons donné acte aux partyes de leurs Comparutions ditte Requisition et protestation cy-dessus enconseque ordonnons qu'il sera présentement procédé par Messieurs de Chaville ingénieur ordinaire du Roy et broutin Cape ingénieur de leurs consentement a lexamin et visite des occasions qui ont donné Lieu a Lynnonation arrivée sur le terrain appartet

a la Concession de Ste Renne et qu'il soit fait arpentage desterrains a eux appartenants, et bornes dans leurs limittes pour Le proces verbal par Messieurs de Chaville et broutin Raporté estre ordonne ce que de raison donne aux Chapitoulas Le quinze Mars mil sept cent vingt quatre.

Perry.

15 mars 1724.

Nous Chaville, ingenieur ordinaire du Roy et Broutin Capne et ingenieur, nous sommes transportes au lieu des Chapitoulas, a la priere de Messieurs du Conseil, pour y examiner le Cours des Eaux provenantes du debordement du fleuve Mississippi, nous avons remarqué a commencer a l'habitation du Sieur du Breuil en remontant celles des Srs Lery, Beaulieu et la freniere, jusque et pardela la Concession de Ste Reine; que les Eaux du debordement du fleuve, vis avis la dte Concessn et habitation avoient leurs cours vers les premieres dittes cy-dessus, et que la retenue des dtes Eaux faitte par une levée le long des dtes habitations les avoit fait remonter jusqu'au dessus la consession de Ste Reine, ou elles se sont repandues pour prendre leur niveau naturelle.

Leur ecoulement ordinaire suivant les remarques que nous avons faits se trouve par un Baiouc, ou ruisseau, entre l'habitat du Sr la freniere, et celle du Sr Beaulieu qui portent les Eaux dans la profondeur de leurs terres, ou elles s'entendoient plus ou moins suivant que leur seituatio le permettoient ce qui nous a d'autant plus confirmé que le dt ruisseau servoit d'Ecoulement aux Eaux ordinaires qui s'assembloient vis avis les dtes habitations, Sont des terre marecageuses qui environment le lit du dt ruisseau ce qui nous paroît Etre une marque Evidente que de tout temps elles estoient sujettes aux Eaux du debordement du fleuve Mississipi, il nous a paru d'ailleurs que le poids d'Eau que soutient la Digue faitte depuis l'habitation du Sr Dubreuil jusqu'au fleuve, est considerable et qu'il est vraysemblable que les Eaux s'Ecouloient en partie par un bas fond Scitué vis a vis la dte habitation, qui se repandoient dans la terre cultivée du Sr Dubreuil.

Or le tout consideré, et examiné bien Exactly, il nous paroît que l'ynnonnation arrivée a la terre de Ste Reine a Eté causé par le retunue faitte aux Ecoulements dittes cy-dessus, et par une ouverture d'un fosse fait par le Sr la freniere au fleuve qui a fourny les premieres Eaux, Et qu'on ne peut remedier au

desordre present de la dte Concession qu'en donnant l'Ecoulement naturelles aux Eaux par le ruisseau mentionnée cy-devant qui nous paroît etre suffisant pour les retirer promptement de la terre de Ste Reine et qui la rendoit en Etat en pu de tmps d'Etre cultivée.

Pour l'avenir nos avis sont pour le bien coñun des dtes concessions et habitations des Chapitoulas qu'il est d'une necessité absolu pour Empêcher les Eaux du fleuve de s'etendre dans les terres du dt lieu que chaque habitation fit une levee qui joignit les unes aux autres le long du Mississipi avec un fosse en dedans des terres pour recevoir les Eaux qui transpiroient au travers de la levée, et seroient conduittes par des canaux dans la profondeur des terres, et combler les fossés qui ont comunication au Mississipi, cela bien entendu pour ceux qui les ont fait ce qui Empêcheroit tout accident et contestation entre les Concessionnaires et les habitants du lieu des Chapitoulas. Au Chapitoulas, le 15 mars 1724.

Chaville. Broutin.

Et depuis le proces verbal cy-dessus signé nous Estant consultés, pour trouver encor un autre moiin, pour remédier au désordre présent, et coutant moins de frais, et de tems aux parties intéressés dans cette affaire, ayons trouvé de concert ensemble, qu'il seroit expédient de faire une levée en forme de coffre, a l'endroit marqué sur le plan par une ligne jaune, attendu que cette levée serviron de retenue, contre le regonflemt des Eaux, et les Empêcheroit de s'etendre dans la terre cultivée de Ste Reine, en foy de quoy nous avons signé la ditte addition de proces verbal ce vingtieme mars, 1724.

Chaville. Broutin.

19 mars 1724

Mémoire d'observation pour le Sieur Céard Et noms qu'il procede Contre Les Sieurs Chauvin freres habitants aux Chapitoulas.

Messieurs auront la bonte de remarquer que le Sieur Du breuil ayant fait une levee pour se garentir des Eaux en cas de debordement du fleuve, cette levee donna occasion a Messieurs Chauvin de projetter le dessein de Construire un moulin sur leurs terres. Le Sieur de la fresniere depuis a fait faire une levee pareille jusques au bord du Mississipy, et pour Encherir sur sa surete, il a, ce qui est a remarquer, fait conduire un fossez jusques au fleuve,

auquel il a fait ouverture, ce qui Est authentiquement deffendû par toutes les loix. ce qui a donné Entrée au Mississipy dans toutes les terres qui n'en avoient deja pas besoin, par ceque depuis les terres du Sieur duBreuil jusques a Environ les batiments du Sieur Céard, il reside un Basfond Et mesmes un Lac, qui n'est jamais a secq ny hivert ny Este Et reste toujours marets et lac dans tout le courant de l'anné attandu quil Sest En tout temps degouts aux terres Et se degorgent au Mississipy lorsqu'il deborde.

Le Conseil aura la bonté de faire attention à deux choses. La première que par degrés le cort monte depuis Monsieur Dubreuil jusques au suppliant, en telle sorte que le Mississipy a beau déborder Supposé que la devanture du suppliant soit noyée elle ne l'est jamais la moitié tant, Et que beaucoup apres que les Sieurs Du Breuil et Chauvin, le sont en a plain, il est meme notoire que quand tous ces terrains inférieurs ont Este noyée, jamais l'habitation de Ste Reynne ny du temps des Sieurs Guenot, Massy et Coutorts ne l'a Este, Et qu'elle a mesme toujours Eu plus dun demye pied decort de reste audessus de l'Eau.

Seconds que sitost que les levées Et fossés des Sieurs Chauvin frères ont Esté faites, et le Bayouc du Sieur de baulieu Bouché, l'Eau a regonflé chez le Sieur Céard Beaucoup avant que le Mississipy Eut débordé, Et a noyé des terrains qui ne l'ont jamais Esté de mémoire d'hommes, quoique, n'ayant jamais Esté noyé ainsy qu'il Est dit cy-dessus il Eut Eû la precaution de faire faire des levées, proportionnées aux endroits que le cas fortuit auroit pû rendre les plus suspects, Et pour marquer que la chose ne vient point par la negligence il peut avancer notoirement que cette precaution auroit Esté prise avant que le Sieur de la Fresnière Eut fait sa levée jusques a la barrière du Sieur Céard, il ne s'est pas contenté de cela, lorsqu'il a veu les Eaux gagner la première levée, il a redoublé ses soins et ses travaux, Et En a fait encore une autre, pour barrer chemin à l'eau, mais inutilement quoy quil Eut fait outre cela des fossés considerables dans ses terres, pour faciliter lécoulement des Eaux, cette depense auroit Eû de bons effets si ces messieurs chacun n'avoient pas conduit la chose de maniere a faire regonfler les Eaux, puisque sans tout cela le Sieur Céard ne fut point inondé l'an passé quoy que le Mississipy Eut monte son debordement de beaucoup plus haut, Et preuve du fait, c'est que ces mesmes terres a present inondées, Comme un lac, furent l'an passe ensemencée dindigo, Et Etoient actuellement preparee a En recevoir de Nouveau pour cette semence, ce

qui marque Evidamment que la faute ne vient que du regonflement des Eaux causée par l'ouverture faite au fleuve, le bouchement du bayouc, Et les levées de Messieurs Chauvin.

Tertio que les precautions que nous avons prises En faisant des chausses et fosses pour lécoulement au lieu de nous tourner à profit, servent encore a notre destruction par rapport a ce que Conduisant les eaux en trop grande abondance dans la sipriere qui est derriere notre defriché ce lieu ne pouvant contenir les Eaux que tous les travaux de ces messieurs nous regonflent retombent sur nous par la pente naturelle de la dite sipriere Et nous innoindent par les derrieres avec les mesmes Eaux que nous leur venons de fournir par la devanture, ce qui nous fait tomber dans linconvenient necessaire de ne pouvoir ny labourer ny Semer, que dans une parcelle de terrain Si borné qu'elle ne pourroit pas nous Suffire pour satisfaire seulement au quart de la subsistance de nos gens pour la recolte prochaine, adjouttes a cela que nous sommes hors déstat par cette cruelle necessité de pouvoir travailler ny au bois de charpente ny a la planche, dans ces mesmes siprieres qui Sont sur les derieres de notre plaine, parcequ'elles Sont si fort innoindée qu'on les peut assurer impraticables a tous ouvriers, ce qui fait demeurer tout court nos travaux et nos Edifices les plus pressées.

Les moyens a ce que jay appris dont se servent les parties adverses pour soutenir le guain de leurs causes, sont de dire que si le Sieur Céard Eut fait des chaussees communes, il n'eut pas Esté innoindée.

Ce moyen tombe de luy mesme par trois raisons, la premiere que ces mesmes parties n'ont fait les leurs quapres avoir attendû leffet du Sieur Du breuil, quils blaimoient davord. La seconde parceque le Sr Ceard Estant toujours plus haut decort qu'eux ne pouvoit pas divinner le regonflement que causeroient les travaux des dits Sieurs de la Fresniere et Baulieu, dont le Sieur de la fresniere Sest si bien apperceu dans la suite que connoissant qu'infrailliblement la faultte venoit de ce qu'il avoit ouvert le Mississipy par son fosse qui luy donnoit Entrée par tout, il a fait tous ses efforts pour le reboucher, mais inutilement, Et trop tard. La troisieme parceque tous ces travaux ont Este faits d'authorite sans le consentement du Sr Ceard sans L'y appeler, ny personne de sa part, Et enfin pour comble a toutes les raisons cy dessus le Sieur Ceard qui n'avoit pas Coustume d'estre innoinde, la este en moins de vingt quatre heures, avant que le fleuve Eut

débordé, Et immédiatement apres que le Sieur Beaulieu a Eu bouche son bayouc, quoy que le dit Sieur Ceard Eut fait une chaussée et fossé le long de La cloture qui Estoit suffisante pour Empescher le débordement directe du fleuve.

Lon ne repond point aux autres moyens qui ne sont que des discours En lair de la part de ces messieurs qu'il faut taire de peur d'ennuye Le Conseil.

Par toutes ces considerations, le Sieur Ceard Conclud au nom de la dite Concession Et Commetant dycelle, qu'il plaise au Conseil Condamner les dits Sieurs Beaulieu et la fresniere, a l'obtention d'indamner la Concession de Ste Reynne de la non jouissance des terres inondées, Et hors destat de recevoir semences, tant en indigo qu'autres récoltes du pais, ainsy que de tous les travaux dingoterie et autres Ediffices projetée Et commencée Et prestes a mettre sur pied, si mieux n'aiment retablir a leurs frais les choses En Estat, que les Eaux puissent secouler par les voix ordinaires, Et rendre les terres preparées Et En Estat destre Ensemencée dindigo et autres semences projetées dans quinzaine pour toutes prefixtions Et delay, Et les condamner En outre tant aux frais de la descente qu'en tous depends du proces. A la Nouvelle Orleans ce 19e mars 1724.

Ceard.

21 mars 1724.

MEMOIRE Pour le Sr Lafreniere
CONTRE Le Sr Ceard.

Pour prouver que mal apropos il se plaint du bouchement Du Bayouc il offre de faire preuves que se Bayouc etoit bouché Il y a un an pendant le debordement des Eaux sans quil sen soit plaint que Cette année

offre aussy de faire preuve que l'ouverture d'un petit fossé quil a faite jusquau fleuve ne Cause point Lyondation puis quil La fait Boucher avant que le debordement Eût gagné Les Bas fonds Ce qui prouve Consequament que Lynondation dont le Sieur Ceard se plaint vient de sa propre negligence et de n'avoir Pas Voulu se garantir Comme les autres, et d'autant plus que Monsieur Dubreuil ayant Commance le premier Ceut ete a Monsieur Ceard a luy faire Cesser Un travail quil devoit prévoir luy etre Nuisible par L'evenement.

A la Nouvelle Orleans, Ce 21 Mars 1724:

lafreniere.

Le 21 mars 1724.

Audce du 21 Mars 1724.

Entre le Sr Ceard directeur de la Concession de Ste Reynne

Les Srs Chauvin Delery Lafresniere et beaulieu

Et de Sr Dubreuil deffts

Le Conseil apres avoir entendu Les partyes ayant Egard au Raport et avis des Sieurs de Chaville et Broutin ingenieurs ordonne que les Sieurs Dubreuil, delerry, beaulieu et la fresniere uniront incessamment et sans discontinuation (toutes leurs forces) suivant L'estat que le Conseil Remetra au Sr broutin avec celles du Sr Ceard pour sous la conduite du d Sr broutin estre fait une levee en coffre Le long de lhabitation du Sr Ceard pour en desecher les terres avec des seignees suffisantes pour ecouler les eaux des transpirations, et que les refusants seront condamnes aux dommages et interets des partyes innondes et quaussitots les eaux basses chacun fera devant chez soy sur le bord du fleuve une Levee solide et Contigue sans overture et fleuve Les frais de descente et depens de Lynstance seront payes par les d Srs Chauvin frere.

Bienville. Brusle fazende Perry.

pour conclusions conformes

fleuriau.

Le 21 mars 1724.

Louis Par La grace de Dieu Roy de france a tous ceux qui ces presentes Letres Verront Salut Qu'entre le Sieur Ceard, directeur des Concessions de Ste Renne demandeur aux fins de sa Reqte presentee au Conseil, de lordonnance etant au bas du dix Mars present Mois et de la Sommation faites et consigns aux Srs cy apres nommés Par Rossard greffier en chef au Conseil le quatorze du d mois portant qu'au sujet des innondations arrivé a la Concession de Ste Reyne, Messieurs de Perry Conseiller Fleuriau Procureur General du Roy et De Chaville ingenieur ordinaire de Sa Majeste et broutin Capne Ingenieur se transport roient le d jour de la Nouvelle Orleans aux Chapitoulas a leffet de voir et examiner dou provenoit la d inondation et pour mesurer et arpenter Les terrains et en dresser Proces verbal Pour sur iceluy estre Raporté ordonné ce que de Raison a ce que Les d Srs cy apres nommés fussent tenus de sy trouver sinon quil y seroit procédé tant en absence que presence, Les Sieurs Chauvin Delerry, Lafresniere et beaulieu frere habitants auc Chapitoulas defendeurs et Consen-

tant a ce que dessus suivant Leur Comparution portée au proces verbal du quinze Parties quy de Lecture faite des d Repte orde sommation et et proces verbal susdatte, de Celuy de l'Etatt des Lieux fait par les d. Sieurs de Chaville et broutin ingenieurs du d jour quinze Les Moyens et desfins par escrit du d Sr Ceard et de lafresniere Les Conclusions du procureur General du Roy et tout Considéré, Le Conseil apres avoir entendu Les partyes ayant Egard au Raport et avis des Srs Chaville et broutin Ingenieurs ordonne que les Srs dubreuil, Delerry beaulieu delafresniere uniront incessamment et sans discontinuation toutes leurs forces suivant Letat que Le Conseil Remetra au Sieur broutin avec celles du Sr Ceard pour soubz la Conduitte du d Sieur Broutin estre fait une levee en coffre Le long de Lhabitation du Sr Ceard pour estre desseches les terres avec des seignéés suffisantes pour escorter les Eaux des transpirations et que Les refusants seront Condamnés aux dommages et interets des partyes inondées Et quassitot Les eaux basses Chacun fera devant Chez soy, sur le bord du fleuve une levée Solide et Contigue sans ouverture au dit fleuve, Les frais de dessente et depens de lynstance seront payés par les Sieurs Chauvin freres En temoin de ce nous avons fait sceller ces presentes Donne en la Chambre du Conseil Le vingt un Mars mil sept cent vingt quatre.

21 mars 1724

Estat des Negres que le Conseil ordonne estre fournis par les Concessions et habitations denommés cy apres pour Travailler sous les ordres de Monsieur Broutin capne ingénieur aux levées et autres travaux pour Servir a la retenue du débordement du fleuve et a lécoulement des eaux quy inondent la Concession de Ste Reyne.

Concession de Ste Reyne trente cinq negres.....	35	———
habit' du Sr La Freniere quarante Cinq.....	45	———
Ha' oñ du Sr de Beaulieu Vingt cinq.....	25	———
habit' du Sr de Lery Vingt Cinq.....	25	———
habit' du Sr Dubreuil .. Vingt.....	20	———
Total Cent Cinquante Negres.....	150	negres

Aresté au Conseil Le 21 Mars 1724.———

Bienville. Brusle. fazende. Perry. fleuriau.

A Messieurs du Conseil Superieur de la Louisiane.

Messieurs

Joseph Chauvin De Lery Vous Represente tres humblement qu'en l'annee 1719, Environ le Mois de mars Il eu lhonneur de presenter sa Requete au Conseil pour obtenir une Concession de six arpens de face au Chantier des Chapitoulas qu'en mesme tems ses trois freres presentoient chacun une pour obtenir la mesme quantité de tairrain et une autre pour obtenir encore autant pour Un de leur Neveux les trois limitrofs en maniere que toute la famille etre rangée de suite leur demande leur fut accordée et le Supliant si transporta le premier.....celuy de Lafraniere et le mit en Valleur avec celuy accordé au Neveu, ensuite La freniere vint et Beaulieu qui en firent autant et dune forest impenetrable on fait a force de travaux une belle et abondante campagne. Le Sr guenot Cedant au Sr Ceard ayant Voulu de Concours avec les trois freres faire mesurer les dits tairrains afin de Mettre legalite et entretenir la bonne Union Entre les Voisins Monsieur Broutin fut supplié de Vouloir bien S'y transporter ce qu'il fit et apres Mesurage fait Mon dit Sr guenot se trouva avoir anticipe sur le Tairrain des d Vingt quatres arpans Conceddées de la quantite de quatorze arpans ce qui cause aujourd'hui Une contestation entre le Sr Ceard et la d famille des Chauvin.

Ce Consideré, Messieurs il vous plaise ordonner pour finir cette contestation qu'apres le Mesurage Vérifié Le Sr Ceard soit obligé de retrocedder de quatre a cinq arpens sur le Sieur Thierry qui a pour tenance des tairrains non occupées ny Encore Conceddes aux offres de dedommager le d Sr Ceard de pareille quantite de defrichements que Ce quil en a fait que les d quatre a cinq arpans soient rendus et ferez Justice.

delery.

Le 23 mars, 1724.

Du Jeudy vingttrois mars 1724.

Entre les Sieurs Dubreuil de Villars Chauvin de lery, de beaulieu de la fresniere et Ceard demandeurs En reglements de limites des uns et des autres Et Encore les d Srs chauvin demandeurs pour raison de concession de six arpens cy-devant faite a pierre chauvin leur nepveu et les Srs Ceard et guenot sont rendues opposants Et Dernier en possession.

Le Conseil faisant droit sur les pretentions r espectives des parties ordonne que par le Sieur broutin capitaine ingénieur il sera ap-

pose des bornes et limites aux terrains dun chacun a raison de 18 pieds la perche et que les six arpens cy devant accordés au nepveu des srs chauvin qui na point paru en cette colonie seront pris des d srs chauvin ses heritiers dans un evantail courant au sus sudest et nord norouest, vu la possession et les frais de defrichements faits par la concession de ste reyne et ses vendeurs et que le tout sera regle par le d sr broutin Et depose au greffe pour Etre chose stable et evitter toutes contestations a lavenir entre les proprietaires de concessions au d lieu et que Depuis lendroit ou sont situees leurs maisons les enlignements tomberont perpendiculairement sur le fleuve Et comme par cet enlignement et arpentage il restera entre les srs de Lafresniere et la concession de ste Reyne un petit espace d'Environ

Le Conseil laccorde a pierre chauvin nepveu pour luy servir de débarquement et de chemin a son terrain.

23 mars 1724.

Louis Par la Grace de Dieu Roy de france et de Navarre a tous ceux qui ces presentes Letres verront Salut qu'entre les Srs dubreuil de Villars, Chauvin delerry, Lafresniere, Beaulieu frere et Ceard directeur des Concessions de Ste Reynne tous habitants aux Chapitoulas demendeurs au Conseil en Reglement d limittes des uns et des autres au Sujet de leurs terrains et encore les d Srs Chauvin frere demendeurs pour Raison de Six arpents cy devant faite a Pierre Chauvin Leur neveu contre le d Sr Céard et guenot Son vendeur opposant et demendeurs en possession Lecture faite des Concessions a eux accordés chacun en leur particulier et en Registree au greffe, de leurs demandes et des bornes Respectives ouy sur les Conclusions du procureur General du Roy Le Conseil faisant droit Sur Les pretentions Respectives des parties ordonne que par le Sieur Broutin Capitaine Ingenieur il sera appose des bornes et limittes terrains d'un chacun a Raison de dix huit pieds La perche et que les six arpents accordés au nepveu des Srs Chauvin qui na point paru en cette colone sont pris des d Srs Chauvin ses heritiers dans un Evantail courant du Sud au Sud est et nord norouest Vu la possession et deffrichement fait par La Concession de Ste Reynne et ses vendeurs et que Le tout sera Regle par le d Sr Broutin et depose au greffe pour estre chose stable et evitr toutes Contestations a lavenir Entre les proprietaires de Concessions su d lieu et que depuis Lendroit ou sont

situés leurs maisons Les alignements tomberont perpendiculairement sur le fleuve et comme par cet alignement et partage il Restera entre les Sieurs Lafresniere et la Concession de Ste Reynne un petit espace d'environ Le Conseil Lacorde a pierre Chauvin pour luy servir de débarquement et de chemin a son terrain, En temoin de quoy avons fait sceller ces presentes. Donne en la Chambre du Conseil Le jeudy vingt trois mars, mil sept cent vingt quatre.

31 mars 1724.

Vu par nous Larrest du Conseil du vingt un mars present mois La Sommation En consequence du vingt neuf. Les reponses des sieurs chauvin de beaulieu de Lery et Lafresniere Et du sieur dubreuil du mesme jour La requeste du sieur Ceard directeur des concessions de sainte reyne du trente mars aussy dernier.

Je requiers pour le Roy qu'il soit ordonné fait au dit sieurs Chauvin freresquaux sieurs dubreuil et ceard de donner les negres suivant letat remis a monsieur broutin capitaine ingénieur pour les travaux ordonnés par le précédent arrest et que faute a eux de les livrer dans les vingt quatre heures et les laisser jusqu'a la perfection du dit travail Les sieurs beaulieu Et la fresniere fassent deboucher le bayouc et que faute a eux dy satisfaire a la signification de larrest qui interviendra sil y soint contraints par corps et punis comme désobéissans au Roy et a justice et conduits icy prisonniers pour estre dans la suite ordonne ce qu'il appartiendra, a la nouvelle orleans le trente un mars mil sept cent vingt quatre. fleuriau.

31 Mars 1724
Jugement Entre
Ceard, Chauvin,
Lafresniere Beaulieu
et Dubreuil.
No 57.

Aude du trente un Mars 1724.
Entre le Sr Ceard, plaintiff et
Les Srs Chauvin Delery Lafresniere beaulieu et Dubreuil

Le Conseil Vu les Conclusions du procureur general du Roy ordonne auz d. Srs Chauvin dubreuil et Ceard de donner Leurs negres Suivant letat Remis au Sr broutin capitaine ingénieur pour les travaux ordonnes par notre arest du (mot omis) que faute a eux de les Livrer dans les vingt quatre heures et de les laisser jusqu'a perfection du d. travail Les Srs beaulieu et la fresniere feront deboucher Le bayou et faute par eux dy satisfaire a la signification du present arrest ils y seront Contraints par Corps

et punis comme desobeissants au Roy et a justice et Conduits en Cette Ville prisonniers pour estre ordne ce quil appartiendra Les Contrevenants Condes aux depents.

Bienville. fazende, Perry.

3 avril 1724.
Jugement Entre
Ceard, Delerry,
Lafreniere et
Dubreuil Villars
No 58
et autres jugemens
opines depuis par La
Crue des eaux du
Mississipy,

Audce du 3 avril 1724.
Entre le Sr Ceard directeur des concessions
de Ste Renne
Les Srs delerry Lafreniere beaulieu—freres.
Et Le Sr dubreuil de Villars defft (....)
Le Conseil faisant droit Sur les Contesta-
tions des partyes presentes et declarant et

constituant attendu que notre arrest du trente un mars dernier n'a pu avoir Son Execution au sujet de l'ouverture du bayou en question qui auroit noye les terres des concessions des partyes ordonne que les Srs Delery, Lafreniere beaulieu et dubreuil s'ajusteront ensemble sous deux jours de la signification du present, pour fournir par forme d'indamnité au Sr Ceard vingt de terres friches en estat d'estre presentement ensemencees pour cette annee seulement et ce dans les plus proches lieux des terres de la Concession du Sr Ceard, sinon et a faute de la faire des apresent condamner les contrevebants a six mille livres de dommages et interests envers le Sr Ceard, payables en deniers du pays.

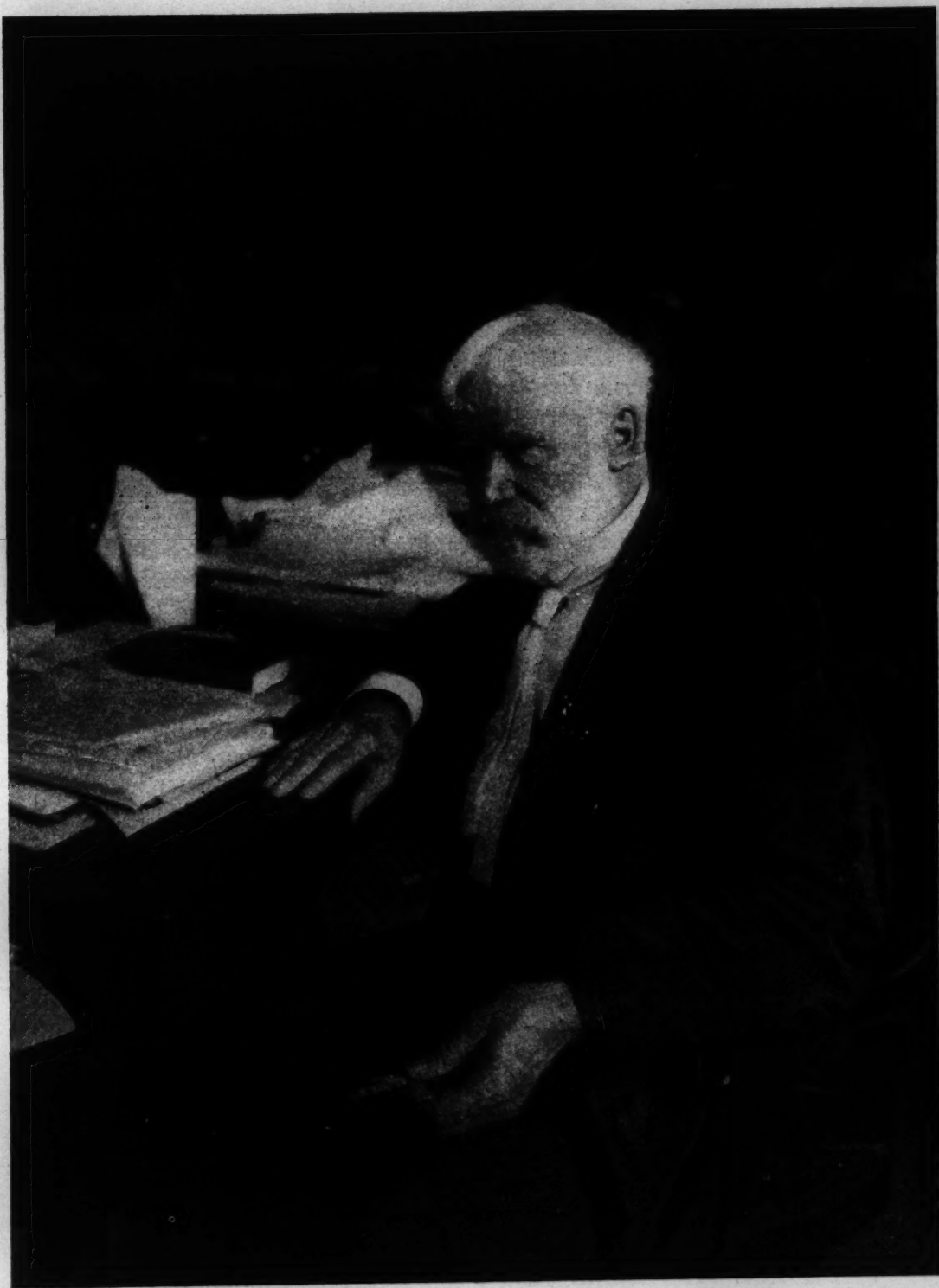
Bienville, Brusle, fazende, Perry.

Le 3 avril 1724.

Louis Par La Grace de Dieu Roy de france et de Navarre a tous ceux qui ces presentes Lettres Verront Salut qu'entre le Sieur Ceard, Directeur des Concessions de Ste Renne demandeur en execution de Larreste du Conseil Rendu par default a lencontre de ceux apres nommes Le trente un Mars dernier par lequel il leur est ordonné de donner Leurs negres Suivant l'Etat Remis au Sr Broutin Capitaine ingenieur pour les travaux ordonnes par autre arreste du vingt trois du d mois que faute a eux de les livrer dans vingt quatre heures et de les Laisser jusqu'a perfection du travail ils feroient deboucher le bayou faute par eux dy satisfaire a la signification diceluy Ils seroient contraints par corps et punis comme desobeissants au Roy et a justice et conduits prisonniers pour estre ordonne Ce quil appartiendra Les Contrevenants con-

damnes aux depense Les d Sieurs Chauvin, Delerry, Lafresniere, beaulieu freres et Dubreuil de Villars deffeneurs opposants aux arrestes Partyes ouide Lecture faite de ces pieces des partyes ouy Le procureur general du Roy en ses conclusions Le Conseil faisant droit sur les Contestations des partyes presentes attendu que notre arreste sus datte na pu avoir son execution au Sujet de Louverture du Bayou en question qui auroit noye Les terres des Concessions des partyes et autres Inconvenients arrives depuis par la crue des eaux du Mississipi ordonne que les Srs Delery Lafresniere Beaulieu et dubreuil Sajusteront ensemble sous deux jours de la signification des presentes pour fournir par forme dyndamnite au Sr Ceard vingt arpents de terres friches et etat destre presentement ensemencees pour cette annee seulement ceci dans les plus prochains Lieux des terres de la Concession du Sieur Ceard sinon et ce faute de le faire des apresent Condamnes Les Contrevenants a six mille livres de dommages et interets envers le d Sr Ceard payable en deniers du pays et au depens En temoin de quiy nous avons fait sceller ces presentes. Donne en la Chambre du Conseil Le trois avril Mil sept cent vingt quatre.





JOHN DYMOND, EDITOR LOUISIANA HISTORICAL QUARTERLY, 1917-1922.

JOHN DYMOND

EDITOR LOUISIANA HISTORICAL QUARTERLY, 1917-1922

*Memorial Presented to the Louisiana Historical Society Tuesday
March 28, 1922.*

"A pillar of the Temple has fallen, and there is grief in the land."

Surely, these words must have been in the minds not only of every member of the Society, but of the people in general of the City of New Orleans and of the State of Louisiana, when, on March 5th, the soul of Mr. John Dymond arose from its mantle of clay and ascended to its Maker.

The Louisiana Historical Society was incorporated by an Act of the Legislature of Louisiana passed in 1877 and thereafter reorganized. Of the incorporators, Mr. Frank L. Richardson, remained a member of the Society and was the last survivor when he died a few months ago, and I am advised Mr. Dymond became a member very soon after the reorganization and therefore at the time of his death was probably the member of the Society longest in continuous membership.

He was from the first, active in advancing the interests of the Society and in perpetuating the wonderful history of Louisiana, political, social and material.

As first Vice-President he was Chairman of the Executive Committee and through that Committee he shaped for many years, the policies of the Society.

When the Legislature graciously passed an Act providing that the State would print a Quarterly for the Society, with one accord all looked to Mr. Dymond to be the Editor of that Journal and to start it on its way and notwithstanding the numerous other tasks that he had in hand, he accepted the appointment and how well he fulfilled the trust is shown by the Numbers of the Quarterly, beginning with the first one, January 8th, 1917.

Mr. Dymond was so well informed about Louisiana that those who did not know his life history must have felt that he was "to the manner born;" but his knowledge of Louisiana was only an incident of his wonderful sources of information because he knew the history of his country and of the world and was always ready on any occasion to speak with directness, and tersely

on any topic that was brought before the Society or elsewhere for discussion.

We are sure it was a surprise to all the members of the Society to know that he was a native of Canada but no truer citizen of the United States ever lived than Mr. Dymond.

Manufacturing and commercial business occupied his early life but these fields were too circumscribed for his talents and it was not long after he came to New Orleans that he engaged in sugar planting and from time to time he improved the methods on his plantation, introduced new ideas and new methods of doing business which added greatly to his success and made him a model for others in the same business.

He was the prime mover in the organization of the Louisiana Sugar Planters Association and it was through his efforts and influence that the Audubon Sugar Experiment Station was established and he became the first President of the Louisiana Scientific Agricultural Association which fostered the Station, which station still exists and is of incalculable benefit to the sugar planters wherever cane is grown.

A man of Mr. Dymond's activities and energy could not stay out of politics and though in the strict sense of the term he never held public office, he was frequently called upon to serve his State and the Parish of Plaquemines which was his legal domicile. He was a delegate to the National Democratic Convention in 1888 and the same year was appointed President of the Police Jury of his Parish. In 1892 he was elected to the State House of Representatives and in 1900 to the Senate, his legislative experience ending with the session of 1918.

He was a member of the Constitutional Convention of 1898 and as Chairman of its Committee on Agriculture he carried through the provisions of that Constitution which placed the Agricultural Department of the State on a firm foundation and he has seen its work grow until now it is far in advance of most states.

Mr. Dymond retired from planting in 1907 but not from his interest in agriculture because he edited and published *The Southern Farmer*, *The Louisiana Planter*, and *the Sugar World*, the last in Spanish, besides, *The New Orleans Trade Index*, and *The Lower Coast Gazette*, a country newspaper widely read and favorably known throughout the State. In the Democratic Con-

vention preceding the election of 1900, he was suggested as a candidate for Governor but threw his strength to W. W. Heard who was nominated and elected.

Mr. Dymond became a Mason in 1857 and retained his membership and interest in that great body until the last. He was a member of the Boston and Round Table Clubs of New Orleans and of the New York Historical Society and at one time was a member of the New York Chamber of Commerce.

Reared in the North, Mr. Dymond came South at a time when many others were coming here only to advantage themselves. He came as a builder, an architect of the New South, and while he found modest fortune in his adopted state, all that he received here he returned to the community a thousandfold in the never-ceasing work he did for the state's well-being.

For nearly a lifetime, he was entirely identified with Louisiana, qualified to represent her on behalf of one of her major industries, and to interpret for her in frequent instances, her judgment in politics and in national economy.

To his devoted family of three sons and two daughters, he has left the priceless heritage of a well spent life and to them we express our sincerest sympathy.

The City and State have lost a splendid citizen and this Society a guide, philosopher and friend.

The expression of pain and regret at his passing was universal and our feeble tribute only adds one more to many others.

His voice will be heard no more,—the grasp of his hand is a thing of the past,—but he leaves behind the brilliancy of his mind, and the depth of his study and these, time can never efface.

The prophecy of the Psalmist:

“The days of one's years are three score and ten; and if by reason of strength they be four score years, yet is their strength, labor and sorrow, for it is soon cut off, and we fly away.”

as to Mr. Dymond was not fulfilled. He lived to be eighty-six and the last sixteen years of his life were years of work, happiness and accomplishment and his entire career, so well met the words of William Cullen Bryant, that we repeat the last part of *Thanatopsis*:

"So live that when thy summons comes to join
The innumerable caravan which moves
To that mysterious realm, where each shall take
His chamber in the silent halls of death,
Thou go not, like the quarry-slave at night,
Scourged to his dungeon, but, sustained and soothed
By an unfaltering trust, approach thy grave,
Like one that wraps the drapery of his couch
About him, and lies down to pleasant dreams."

W. O. HART, *Chairman*,
GRACE KING,
E. A. PARSONS.



PIERRE MARGRY.†

*By Bussiere Rouen, of New Orleans.**

Mr. President, My Dear Colleagues, Ladies and Gentlemen:

L'Athénée Louisianais† has been the proud possessor of a beautiful portrait of Pierre Margry, the indefatigable student of our colonial history, the painstaking compiler of our colonial manuscripts, the faithful gatherer and classifier of innumerable historical facts. That portrait is a crayon made by one of the most skillful of Parisian artists and was presented to the Athénée at the end of 1896 by our distinguished compatriot, Mr. Henry Vignaud of New Orleans, who was, at that time, the first Secretary of the American Embassy at Paris, and whose works on Columbian History and in other fields have given him an international reputation. Mr. Vignaud is still in the land of the living; and one of our colleagues at a recent meeting of the Louisiana Historical Society has told us of the pleasure he had experienced in calling upon Mr. Vignaud and in going through his unique library, so rich in rare manuscripts and books. The portrait of Pierre Margry has been in my possession first as Secretary and later as President of L'Athénée, but feeling that it should occupy a place where it could be examined by erudites and scholars alike; at my request, I was, at the meeting of November, 1921, authorized by my colleagues of L'Athénée Louisianais, to place it in the keeping of the Louisiana Historical Society, in whose historic Hall it can be properly exhibited. Before making the presentation, I deem it proper to say a few words about Margry.

My friend and distinguished colleague of the Athénée, also a faithful member of this Society, the late Dr. Gustavus Devron, another worthy student of our local history, a year after Margry's death, to be more correct at the Athénée meeting of May 1895, delivered a very interesting talk about that great historian; which talk was repeated in English at the meeting of the Louisiana Historical Society held on June the 12th, 1895. These talks of Dr. Devron can be found in the *Review or Comptes Rendus* of

†Paper read before the Louisiana Historical Society, March 2, 1922.

*This interesting and scholarly paper is a valuable contribution to our knowledge of a writer whose work in Louisiana Colonial History justly entitles him to a high place in our historical literature.—Editor.

†A literary Society in New Orleans devoted to scholarship and historical study. It has existed for more than forty years and its publications are absolutely necessary to the students of our literature.—Editor.

L'Athénée of July 1, 1895 and in Vol. 1, Part III (1896) of the Publications of the Louisiana Historical Society.

As a tribute to Dr. Devron, I quote liberally, during the course of my remarks from his most interesting talk; which as Secretary of the Athénée at that time, I had the pleasure of taking down as literally as possible.

Dr. Devron himself gave credit for the greater part of the information cited to Mr. Gabriel Gravier, a great orator and the famous editor of the "*Voyage des Dames Ursulines*", who delivered in May 1894, a magnificent eulogy of Pierre Margry.

A great many erudites were under the impression, as was Dr. Devron himself, that Pierre Margry was born in that beautiful and picturesque part of France called Normandie. This impression was created I suppose from the fact that several Societies from that province of France had conferred honors upon Pierre Margry; it has been established beyond a doubt Pierre Margry was born in Paris on the 8th of December 1818. His father was what the French style "*peintre heraldique*"; he was in the service of the French government. Such a painter designs escutcheons, or heraldic insignia.

Margry studied at the College Charlemagne where his studies terminated in 1838. About the year 1832, or perhaps 1833, his father had lost his position and was then compelled to earn a precarious living in painting flowers. All his savings had been lost by the bankruptcy of a dishonest banker. There was Pierre Margry, burning with desire of becoming a "*litterateur*" notwithstanding the violent opposition of his father who wanted him to become a physician or a lawyer. Owing to a lack of funds, Pierre Margry was compelled to accept a position as accountant in one of the departments of the government. But that did not prevent him from attending to, or nursing, his literary ambition; he wrote profusely for the newspapers, made translations for several authors, wrote for reviews, and contributed numerous articles for some Dictionaries which were being prepared at the time. He furnished, with the inexhaustible generosity which characterized him, a great many documents to several French, English, and Canadian authors; he was compelled in order to make both ends meet, to give French English and Latin lessons; which all shows what a hard worker Pierre Margry was; and when, at the beginning of my remarks, I classed him as an indefatigable student, I certainly did not overstep the mark.

It was at that period of Margry's life that General Cass, the American Minister to Paris, chose him as his teacher of French and retained his services for nearly three years. Margry translated into French the address delivered by General Cass before the American Historical Society. Margry was slowly but surely making his mark. However, General Cass, who was very practical, did all he could to discourage Margry, to the end of compelling him to abandon his literary career or to adopt geographical history; but he was unsuccessful, in that attempt to change Margry's inclinations, on the contrary Margry wrote a comedy which he destroyed immediately, and then he composed a drama "*La danse aux aveugles*" ("*The Dance of the Blind*") in which he is said to have depicted the world and its inhabitants as being the tools of money, of love and of death. Dr. Devron had stated that that drama has never been published. I have written to different bibliophiles, to European booksellers, etc., on that subject; I have, for years, examined the lists of all the booksellers and their catalogues; and I must reach the same conclusion: "*La danse aux Aveugles*" was never published. I grew quite curious about this drama; I was anxious to read Margry as a dramatist, after studying him as a stern historian.

When Col. Brodhead was delegated by the State of New York to make a collection of all the colonial documents relating to the early history of that State, he was advised by General Cass to retain Margry and to place him in charge of the work pertaining to the French documents. Margry accepted with joy, and he published, at that time, a very comprehensive work, entitled: "*New York Colonial Documents*", in ten volumes in quarto, exclusive of a very long index. In two of these volumes are found the French documents gathered by Pierre Margry. The greater part of the four quarto volumes published by Canada is composed of the colonial documents furnished by Margry.

Parkman, Gayarré, Michelet and nearly all the modern or contemporaneous historians have used these documents. Our own Louisiana Historical Society is the owner of two or three volumes of unpublished documents transcribed and copied in 1849 by Pierre Margry in his own handwriting. These three quarto volumes are very precious and I trust that they are still in the possession of our Society.

In 1867 Margry gave the world a great work entitled "*Les Relations et Memoires inedits pour Servir a l'histoire de la France*".

dans les pays d'Outre-mer" (Unpublished Relations and Memoires to be used for the history of France in over-seas countries"). The same year (1867) he published his other great work, *Les Navigateurs Français et la Revolution maritime du XIV au XVI siècles* (French Navigators and the Maritime Revolution from the 14th to the 16th centuries). In this work, Margry, included through inadvertance, a paper which was afterwards discovered to be a forgery. An Englishman, Mr. Major, attacked this work bitterly and Margry likewise; Poor Margry had been deceived and his honesty should never have been questioned. And then from 1879 to 1888 appeared six enormous volumes, some of which contain more than 700 pages. This work was for the most part published at the expense of the United States under this title: "Memoires et documents pour servir a l'histoire des origines francaises des pays d'outremer" (Memoires and documents for the history of French origin of over-seas countries).

But Margry's researches and his studies had cost him considerably. It is positively known that he would spend enormous sums of money in order to get a document which he thought would be important. In the earlier days of his career, for instance, he went to Normandy to ascertain the exact place where was born Pierre Belain d'Esnambuc, and then happened the first romance in his life. As you know Pierre Belain d'Esnambuc was the founder of the French colonies in the Antilles. I think the incidents of that first romance will amuse you and at the same time will show you the conscientious man in Margry.

I quote from Mr. Gravier's address:

"Two women play an important part in the life of Margry, the first one a young lady, related to a celebrated American general, and also to a governor of Canada, was engaged to Margry. Her aunt advanced him 4000 francs on the intended dowry, to enable him to make a trip of investigation and discovery in Normandy. On his return, he informed Mrs. de N., the aunt of the young lady, of the success of his trip. She at once asked him how much profit he would get from his discoveries. He answered, 'the satisfaction of doing justice to the memory of a man who has extended the power of our country, and to have restored to him the glory to which he is entitled in the New World.' 'What I want to know', replied Mrs. de N., 'is what money consideration you will get for the money you have spent.' 'Oh', answered Margry, 'I can soon make the calculation, for the recital of my discovery

would cover about twenty lines in the *Moniteur*, which at four sous a line, makes—' 'Four francs,' said Mrs. de N., 'four francs for 4000 francs. A great profit indeed! My dear young man, you shall not marry my niece. Miss M. will not use paper scraps to decorate her dresses.' "

By that discovery he became certain that d'Esnambuc was born at Yvetot; he also gathered a few details of his life. Yvetot is a town in the Department of Seine-Inferieure about 36 kilometers from Rouen in Normandy.

Thus again, later, after long and painful researches and investigation, Margry finally found in 1874, that Cavalier de la Salle was born at Rouen and not at Paris as was generally thought. This statement of Margry about the birth of LaSalle is fully corroborated by the archives of the old Parish of St. Herbland which contain the baptismal register of Cavalier de la Salle. I mention this to prove to you how careful Pierre Margry was; before making a statement or advancing a fact, he would do so only after a very serious investigation of the truth. In other words, he always wanted to go to the bottom of things.

Let us return to the romance. When Margry was dismissed by the mercenary Mrs. de N., and his engagement to Miss M. was broken, Margry worked harder than ever before until Mrs. de N. was fully reimbursed; it is even possible that this delayed him considerably in his work. But those who admire perseverance and honesty in the historian will place a greater value on the historical discoveries of Margry, than Mrs. de N., than the modest Margry himself; and that is why that incident in life is a guarantee of his responsibility and integrity.

Margry preferred to anything the study of the French colonial documents, dating from the origin of the colonies until 1789. To form a faint idea of this gigantic task, simply remember that Margry has classified 300 large volumes of manuscripts.

After that, he undertook the classification of the papers of the Society of the Indies and then completed a special collection of everything that had some relation to the French influence in the United States.

If Margry has made any mistakes, they are, or should be, easily forgiven, when we consider the mass of work undertaken by him, under difficulties which would have discouraged any one of weaker temperament.

Parkman offered Margry a great deal of money for his documents. Margry declined; then Congress, at Parkman's request, voted a very respectable allowance which gave Margry a breathing spell and permitted him to pursue his work and researches. Unfortunately President Garfield, who had taken a deep interest in his work, was assassinated, and this tragic event put an end to the publishing of Margry's works, which would have been continued in seven or eight volumes instead of six, with proper maps.

It is known that at an advanced age and when nearly moribund, Margry was the hero of a second romance. This time, the end of the romance was quite different from that of the first. A very young and kind lady, the possessor of quite a fortune and belonging to one of the best families of France, became his wife, notwithstanding his strenuous personal objections. This good woman became his guardian angel, encouraging him in his work for nearly sixteen years. When Margry died she regretted her 'pauvre Pierre' to whom she had given her life and her heart.

Margry died on March 27, 1894. It is to be regretted that his death should have occurred before the completion of his history of the Canary Islands. In 1870, Pierre Margry received the decoration of the Legion of Honor, not for his work as a learned student and historian, but as a French official. He was pensioned in 1880. He was a corresponding member of the Academy of Science and Belles Lettres of Rouen, honorary member of the Societe Normande de Geographie, also Rouen.

Very little was said of the life work of Pierre Margry at the time of his death, his demise was hardly mentioned in the newspapers and Dr. Gustavus Devron, who was the first to learn of it, in this City, did so accidentally in reading the catalogue of a bookseller, Charles Chadenat, announcing that he had purchased Margry's library and was offering some of his books. Dr. Devron, through the good auspices of Mr. Delgado, bookseller in New Orleans, and of Mrs. Chadenat de Terguem of Paris, was fortunate enough to obtain three volumes, relating to Margry; showing great appreciation of his work. One of the writers, Mr. E. Rameau de St. Pere deplores the fact that Margry was better appreciated abroad than at home, and he adds that it is left to future generations to do justice to the memory and talents of the deceased, Pierre Margry.

At the death of Dr. Devron, in 1900, these volumes and the other contents of his Library, were sold, as I understand to the Howard Memorial Library, where, I suppose they can be found.

At that Athénée meeting of May 31, 1895, a general discussion of the life and work of Pierre Margry took place and Alcée Fortier, then President, proposed that a vote of thanks be tendered Dr. Devron for the precious information given on Margry, because everything relating to that indefatigable worker should be cherished by the Louisianians. It is practically impossible to study the history of Louisiana without referring to Margry's works. In Louisiana, we are particularly interested in Margry's history of the Canary Islands, because of the fact that a few miles below New Orleans, in the Parish of St. Bernard, live some people with odd customs, known as Islenos, whose ancestors came from the Canary Islands. We know that the inhabitants of the Canary Islands descend from the Carthaginians, and, as Fortier added, "it is curious to find near New Orleans, those Islenos, descendants of the Punic race, with strange customs and speaking the Spanish language too correctly to call it a patois."

In the Quarterly or Comptes Rendus of L'Athénée of January 1, 1897, are two pictures of Margry: one representing him as he was in 1848 at the age of thirty years, and the other is a photographic copy of the portrait sent to us by Mr. Henry Vignaud and which you are to receive from me this evening. The first one was gotten by Dr. Devron from Charles Chadenat, the purchaser of Margry's library.

We feel very small, Mr. President and friends, when we analyze the stupendous achievement of Pierre Margry; we feel smaller when we admire his courage, his indomitable energy, his perseverance and tenacity of purpose under the greatest difficulties. Those who love historical research; those whose intellectuality and patriotism lead them to cherish the past, especially when it is a glorious one, founded on the history of their own country, I may say, of their own locality, experience the irresistible desire of paying homage to the men who have helped in collecting, in uniting the elements of that history for the good and benefit of the student. Personally, I find no words to express properly my admiration for Pierre Margry. I would not be telling the truth if I told you that it is with pleasure that I am parting with that portrait which has adorned the walls of my home since the end of 1896; although it was not my personal property, that portrait was an inspiration to me at all times. I was familiar with the details of Margry's existence, I could appreciate them correctly, and that life of abnegation would instill new vigor into me whenever I felt

tired or discouraged. I am only sorry that I did not do more than the little that I have found the time to do in a literary way under the inspiration which I should have appreciated. You have heard my personal tribute to Margry; it is very insignificant and modest. I will give you Mr. Vignaud's appreciation of Margry's work by reading the translation which I have made of his letter preceding his gift of the portrait to the Athénée.

"Embassy of the United States,
59 Galileo Street,
Paris, August 20th, 1896.

"Mr. Alcée Fortier,
President of L'Athénée Louisianais
and Professor at Tulane University,
New Orleans, La., U. S. A.

"My dear and eminent compatriot:

"You have thought of sending me your fine address of the 14th of July and you have also thought of sending me the number of the Athénée in which you recall in terms so kind for Mrs. Vignaud and for myself, the delightful day spent together at my home in Bagniaux. I am thus doubly obliged to you, for I am grateful to those who compel me to abandon for a while my numerous official tasks and thus force me to bring my thoughts back to our dear Louisiana that I may never see any more and whose sweet name always revives in me delightful emotions.

"I should have acknowledged receipt, a little sooner, of the number of the Athénée but I was waiting to send you for the Society over which you preside with such dignity, a souvenir which, I am sure, will be as agreeable to you as it will be to your colleagues: the portrait of Pierre Margry, who has done so much for the history of the French discoveries and colonization in that vast region of the Trans-Mississippi to which the Franco-Americans are so particularly attached. Owing to the kindness of Mrs. Margry, I am able, now to satisfy this wish. She had but a small photograph of her husband; I had it enlarged and made in crayon by a skillful artist and I have thus obtained a fine portrait of that great worker who has worn out his life, in collecting at the cost of the greatest personal sacrifices, the original monuments of the Colonial History of over-seas France.

"He died still laboring without having been able to complete his task; he had another volume of documents to publish; and,

to complete his collection, there should have been added to it, a series of very important maps. One of our compatriots, Mr. Lambert Tree, of Chicago, to whom we are indebted for the fine statue of La Salle which adorns one of the squares of that city, has generously offered to bear the expense of printing that atlas, for which purpose I had promised him my cooperation. Unfortunately, Margry's long illness from which he never recovered, prevented the carrying out of this project. These maps have been found among the papers of the deceased, and the National Library of Paris, which had bought all his manuscripts, is now willing to purchase them also.

"I will send you in a few days, I hope, the portrait of my old friend. I beg you to present it to the Athénée in the name of Mrs. Margry and in mine. It will recall to its members the souvenir of a man as modest as he was indefatigable, who loved Louisiana as we love her ourselves and in whose favor we have contracted a debt of gratitude from which we will never be able to free ourselves.

"I thank you once more for the pleasure I have experienced in reading your articles, and I ask you to believe in the affectionate and devoted feelings of your very honored compatriot,

"HENRY VIGNAUD."

This letter, as you see, is exceedingly interesting, it is from the pen of a personal friend of Pierre Margry who was not only the interpreter of his own feelings but also of those of the devoted wife of the great historian.

I had the great honor as Secretary of the Athénée in 1896, to acknowledge receipt of that gift and to extend to Mrs. Margry and to Mr. Vignaud, the expression of our deepest gratitude; this evening as President of L'Athénée Louisianais, I have also the honor, Mr. President, to ask you to accept for the Louisiana Historical Society, this portrait which my colleagues and myself ask you to preserve as a token of admiration for Pierre Margry, for his devoted wife and for our distinguished fellow-Louisianian, Henry Vignaud.

THE LAKE OF THE TAENSA*

By John C. Parish.

How often it happens that incidents in history—though they may be recorded in detail and with great authenticity by men of the time—leave no trace upon the scene of their enactment. New generations live upon the spot in utter ignorance of the early happenings, and often the record itself—hidden away in old documents—is almost lost to the knowledge of man.

There was a small, crescent-shaped lake a few miles from the Mississippi River on whose banks two and a half centuries ago lived the Taensa Indians. Their buildings and their mode of life moved Tonty—the Man with the Iron Hand—to deep astonishment when he first visited them in 1682; and Iberville, coming up from the mouth of the river in the spring of 1700, spent several days at the village and records in his journal a series of events on the shores of the lake that are among the most weirdly dramatic in all the annals of Indian life.

With this in mind it is with great interest that one reads in Mr. Parkhurst's article in the preceding pages on Vicksburg these descriptive lines:

"On the following day our course lay away from the Mississippi, and we marched for fifteen miles along Lake St. Joseph, the opposite side of which was green with vernal woods that rose from the edge of the waters. The lake was a lovely sylvan-flood, and around its fertile shores had been one of the garden spots of Louisiana. Even as we gazed the country to the rear was one vast field of sugar cane and Indian corn, which in the distance resembled the green waves of the sea. Only the day before, expensive homes, sugar mills, and cotton plants of great cost looked out upon the placid lake in proud serenity. Now, where we marched, were smouldering ruins, and for miles ahead we could see smoke and flames wrapping roofs and walls that towered high."

*Reprinted by permission of the author, who is also the editor, "The Palimpsest," Vol. III, No. 3, March, 1922. Mr. Parish advises us that this article is based on Margry. The value of the latter's work to students of our history is emphasized by this interesting article, but it should be an incentive to others. Mr. Parish also made use of the excellent Bulletin 43 of the Bureau of American Ethnology, pp. 257-272, containing Mr. John R. Swanton's *Indian Tribes of the Lower Mississippi Valley*, who in turn makes liberal use of Margry.

The Louisiana Historical Society possesses a complete set of Margry's printed works, and also a series of MSS. copies from the French Archives made by him for this Society many years ago. We have published in this Quarterly an appreciative discourse on Margry, by Mr. Bussiere Rouen, that should have an added value in connection with Mr. Parish's contribution.

Little did Mr. Parkhurst and the men of the Sixteenth Iowa Infantry realize that they were marching over historic ground. But it so happened that Lake St. Joseph was the identical lake on whose banks the Taensa Indians had lived and the smoke and flames that now wrapped the buildings on the shores were only a modern counterpart of the scenes of a wild night of destruction in the days of King Louis the Fourteenth and his colonial ventures. The story of the Lake of the Taensa is preserved in the ancient journals and reports of Tonty and Father Membre, of La Harpe, and Penicaut, and Montigny, and Iberville; and it seems well worth retelling.

In the latter part of March, 1682, La Salle was descending the Mississippi on his memorable trip to the sea. The banks of the river were drowned by the spring floods and fogs hung often upon the water. They had paddled far south of the farthest explorations of Marquette and Joliet, and were now journeying in a strange country, but at the Arkansas villages they had been given guides to show them the way to the villages of the Taensa. Beside a swamp on the west shore of the river they halted and camped while Tonty and two other Frenchmen with the Arkansas guides, pushing through the swamps to the lake, paddled across to a village on the west shore.

Introduced by the Arkansas guides they were given a most friendly reception, and found the village one of absorbing interest. The buildings were like none that Tonty had seen in all his wanderings. The first one into which they were ushered was the lodge of the chief. It was forty feet square, with thick walls made of sun-dried mud rising to a height of ten or twelve feet and surmounted by a dome-like roof of matted cane. Inside they found themselves in a single large room in whose center a torch of dried canes was burning. There were no windows but the light of the torch fell upon gleaming shields of burnished copper and Indian paintings which adorned the walls.

The chief sat upon a couch with his three wives beside him, and opposite him were sixty old men dressed in white robes made from the bark of the mulberry tree. To do him honor the old men, standing with their hands upon their heads, burst out in unison with the cry "Ho-ho-ho-ho". He spoke to them and they seated themselves. A man of great dignity was the chief. He was dressed like the old men, in a fine robe, and a dozen pearls as big as peas hung from his ears. Unusual honors were paid to him. He

commanded and was obeyed like a royal potentate. Slaves waited upon him, and he ate and drank from individual dishes made of well-glazed earthenware.

As Tonty sat upon his cane mat in the lodge, a little Indian child started to pass between the flaring torch and the chief, whereupon his mother seized him hastily and made him walk around the torch. Such was the respect paid to the living chief, and when a chief died it was the custom of the Taensa to kill a number of his followers in order that they might accompany and serve him in the next world.

Across from the lodge of the chief was the sacred temple, a similar structure but with an enclosing wall of mud surrounding it. Into this mud wall were fixed spikes upon which were placed the heads of their enemies, which they sacrificed to the sun. Over the roof of the temple were three carved eagles facing toward the rising sun. The inside of the temple was somewhat bare, but in the midst of the room was an altar at the foot of which were placed on end three logs of wood, and here was kept a sacred and perpetual fire attended by two old men who guarded it day and night. In this holy temple also were preserved the bones of departed chiefs.

When Tonty told the chief of his own white leader encamped beside the Mississippi, the Taensa chief decided to pay him the courtesy of a visit, and the next day with high pomp he set out in a pirogue to the camp of LaSalle, accompanied by many canoes loaded with provisions of which the French were in great need. He drew near the camp to the sound of the tambour and the music of his women. A fine robe of beautiful white cloth adorned his person and he was preceded by six men who swept with their hands the ground over which he was to pass and spread out a cane mat for him to sit upon. Two men with fans of white feathers accompanied him, either to drive away the evil spirits or to prevent the gnats from biting; and a third bore plaques of highly polished copper. Gifts were exchanged by the two chiefs and then the Taensa, grave and dignified to the last, withdrew in state to his village upon the lake.

La Salle and Tonty and their adventurous company continued their journey to the sea and took possession of all the land on behalf of King Louis of France. In the years that followed Tonty made several visits to his new acquaintances on the lake. In 1686, when he went to the mouth of the river to look for

La Salle, he stopped to see them and on the shores of the crescent-shaped lake they sang the calumet to him. Again when he made his valiant expedition to the southwest to try and rescue the ill-fated survivors of his murdered leader, he turned west from the Mississippi at their village.

Many years rolled by and missionaries from the north began to push down into the lower Mississippi. Father Montigny came to make his home at the Taensa village. About the same time Iberville and Bienville came in ships to the Gulf of Mexico and—more fortunate than LaSalle—succeeded in finding the mouth of the great river. And Tonty, still holding sway in the fur trading posts of the upper valley, came down the river to meet and greet his countrymen on the shores of the Gulf.

They talked over the situation in the valley and Iberville determined to visit the tribes west of the Mississippi, leaving the river at the Taensa village. So in the spring of the year 1700, setting out with several of Tonty's men for guides, he came on the morning of March 14th to the border of the Lake of the Taensa. Signal shots from the guns brought four Indians in whose canoes they embarked to cross the lake. About noon they reached the village where they found Father Montigny and two other Frenchmen happy to greet them.

The village was much the same as when Tonty had first found it. The old men in white robes, and the cane-roofed lodge of the chief, the imposing temple, the sacred fire and two men who guarded it, were there as of old. But where was that dignified and mighty ruler, the chief himself? Montigny could tell, and the Frenchmen who had been with him in the village. They did not forget the day that the last chief had died.

Among all the customs of the Taensa tribe perhaps none was so firmly established as that which provided an escort for the chief when he ended his earthly career. He who had received their constant and devoted attention while he was alive should not be allowed to go alone to find his way to the great beyond. So when the last chief had died they began to make preparations to kill a number of his followers that they might accompany him. But they killed no one this time for Father Montigny had come to live in their village and he protested, with horror in his face, against such a sacrifice. In spite of the customs of the tribe and the insistence of the disappointed medicine man the long robed French priest had his way and for once at least in the his-

tory of the Taensa village a chief went alone and unaided to the far country of the dead. And to this day of the coming of Iberville, the old medicine man had nursed his resentment over the desertion of the ancient faith.

On the night of the 16th the rain came down in torrents upon the cane domes of the village lodges and ran down the streets toward the lake. With the night it did not stop but thunder deep and terrible roared overhead and lightning played in the dark heavens. Suddenly came a terrific crash that woke every Indian and white visitor in the village. As if in answer a flame leaped up from the roof of the sacred temple. Out from every lodge came frightened Indians to gather before the doomed building of their faith.

The cane roof burned like tinder and on the outer wall the skulls of their enemies must have seemed weird and taunting in the glare of the flames. Full of terror and tumult the crowd of savages swarmed about the scene, tearing their hair and raising their arms to heaven as they invoked the spirit to extinguish the flame. They cried aloud above the crackling of the fire, then they gathered handfulls of earth and rubbed on their naked bodies and faces.

Presently they saw the wild figure of an old man gesticulating and heard his calling above the tumult:

"Women, bring your children to offer to the Spirit as a sacrifice to appease his wrath."

It was the old medicine man who had sulked since the last chief had died. Now, he said, was their punishment come for the Spirit was angered that no man or woman of the Taensa had gone the dark and lonely way with their chief when he had passed out of their village. Now they must appease him, and again he cried out to them to bring their children.

The flames licked the sacred building like a hideous spirit and the carved eagles from their high perch looking out over the lake tumbled down into the fiery ruin. Indian women in a frenzy came running up with their babies and handed them over to the medicine man. Five of them he took and tossed into the glowing fire before the white men rushing up could stop the terrible sacrifice. But the fire raged and utterly consumed the temple and the altar and all the sacred possessions.

The tragic night gave way at last to a wet and dreary day, but in the village of the Taensa excitement still reigned. The

five mothers who had sacrificed their children were taken in great honor to the lodge of the one who was to be the new chief. There they were showered with praise and clothed in white robes. A huge feather was stuck in the hair of each one and they were seated on mats beside the medicine man at the entrance of the chief's lodge which was now to serve as a temple. All day long they sat in this post of honor and at night they retired into the lodge to sing weird songs, taking up their posts by the door again when morning came.

Each day, toward sunset, a curious ceremony was carried out. Three young Indian men gathered bundles of dry wood and piled them in the open space between the burned temple and the new chief's lodge. Then an old man who guarded the sacred fire came with a torch and lighted the fagots. As he touched the flame to the wood the medicine man who had been waiting observantly in the door of the chief's lodge walked slowly out followed by the five heroic women. In his left hand he held a pillow of feathers covered with leather and he beat upon it with a stick which he held in his right as if to beat time to the chant which they sang as they advanced.

Three times the old man and the women, singing lustily, circled about the fagots, then they threw themselves upon the burning wood and with great handfuls of wet moss put out the flames. This done the women went to the lake to bathe, returning finally to take up their chants in the lodge of the new chief.

After a few days Iberville and his men departed. Father Montigny, expecting a missionary from Canada to replace him, moved on to the villages of the Natchez. The missionary from Canada, however, did not come, and in 1706, harassed by the Yazoo and the Chicasaw, the Taensa gave up their village home on the lake and moved south to the region of Mobile Bay. The sacred fire died out, the mud walls and cane roofs vanished, and the canoes of the white men no longer slipped past the lazy alligators in the Lake of the Taensa.

A century and a half went by on slow wings. White settlers had come into the region and found its soil fertile. Sugar plantations and fine homes had appeared beside the shore, and the lake had come to be known as Lake St. Joseph. Then came the Civil War. The savage Indian tribes were gone, but warring white men passed here and there and often left a trail of fire. Such a trail had marked the shores of Lake St. Joseph in May of

1863. Following this path of destruction came the Sixteenth Iowa Infantry marching to the river landing to join the armies that were investing Vicksburg.

For fifteen miles they passed along the edge of the lake amidst smouldering ruins and flame wrapped roofs. But though the feet of Clinton Parkhurst and his comrades may have trod the very site of the ancient temple of the Taensa Indians, there came to them no visions of the dignified chief dressed in a robe of white mulberry bark, nor did the flames of the modern devastation bring to their minds any picture of that wild night when these same shores of the Crescent-shaped lake were the scene of a blazing shrine and the fanatical burning of human sacrifices.



**REPORT OF THE PROCEEDINGS OF THE LOUISIANA
HISTORICAL SOCIETY FROM JUNE, 1920, TO
• DECEMBER, 1921, INCLUSIVE***

MEETING OF JUNE, 1920

The Louisiana Historical Society held its usual monthly meeting on Tuesday, June 22nd, at the Cabildo. The President was absent; but the attendance of members showed a marked increase over the two previous meetings.

After the Minutes of the previous meeting were read and approved, the following were elected members of the Society:

Mrs. D. Pokorny	Mr. Ben W. Henry
Mr. Joseph Samuel	Mr. Ben Henry, Jr.
Mrs. L. A. Fortier	Mrs. Esther Harlan
Dr. Cecilia H. Evans	Mrs. Johnson Richardson
Dr. J. W. Summerlin	Mr. W. R. Lyman ^{qf}
Mr. L. O. Broussard	Mrs. James McKee
Mr. Ross E. Breazeale	Mr. Paul Wooten
Mr. L. A. Bear	Mr. Jules Andrieu
Mr. Harry B. Corliss	Mr. Gordon M. Mather

Mr. W. O. Hart, speaking of Bishop Thirkeld's early departure from New Orleans to fill a permanent mission in Mexico, proposed he should be made an honorary member of the Society.

Miss King seconded the motion; Bishop Thirkeld was unanimously elected to honorary membership.

Mr. Hart then, in the name of Mr. John F. Waldo, presented to the Society a Prussian Iron Cross, taken from a battlefield in France.

Mr. Dymond, who presided in the absence of Mr. Cusachs, called upon Mrs. Crusat for the paper of the evening, entitled: "Miro, Antonio de Sedella and the Inquisition". Mr. Clarence Bispham's paper, read a year ago before the Society on Fray Antonio de Sedella, had left in the minds of the hearers the impression that more was to be said on the subject and that other information was to be sought.

*The Report of the Proceedings of the Society, January 1918 to November 1918 inclusive is to be found in Vol. 2, No. 2, p. 208 et seq. For the period January 1919 to May 1920, inclusive the Report is published in Vol. 3, No. 3, p. 373 et seq.

In justice to Mr. Bispham, it must be stated that he felt this himself; and spoke of the need of greater research for the papers that he had not been able to secure, although he was confident that such existed.

Mrs. Crusat's brilliant essay conveyed full satisfaction as the best and most complete investigation of the complicated subject. She separated the priest from the man in her judgment of his career in New Orleans; and although reading the most condemnatory letters from his bishop against him, she nevertheless did full justice to the keen intellect and impressive personality of the great cleric, who ruled the Cathedral with despotic power, and who as the accredited officer of the Inquisition in Louisiana, towered above all of the civil and ecclesiastical authorities.

Mrs. Cruzat treated this part of her subject with firm delicacy and skill, holding her course unfalteringly amid the dangers and difficulties that surrounded it. She was spontaneously and enthusiastically applauded at its close.

Although the President pro tem asked for expressions of opinion, no one had the boldness to venture any and no discussion followed. Miss King made a few complimentary remarks. Rev. Father Gassner finally arose, and with dignity and courtesy, paid tribute to the intellectual ability shown by Mrs. Cruzat, and commended the writer for the courageous stand she had made, in the interest of truth in history. His short talk was brilliant and impressive. Mr. H. P. Dart in a pleasant informal manner spoke of Father Gassner's work in history, and his research for truth, in all historical questions.

The members applauded cordially.

The Society was about adjourning, when Mr. Dart again arose and made the announcement that he bore the news that arrangements had been made for the investigation and preservation of the Society's boxes of legal documents, that have been for a half century neglected in a room of the Cabildo, and that the work under proper arrangements would be begun as soon as the Legislature of the State adjourned. The announcement, of greater importance than any that had ever been made in the Society, was received in a kind of awed silence; words failed to express what all felt; but when the Society adjourned, Mr. Dart received an ovation of thanks.

Meeting of the Executive Committee.

On Tuesday afternoon, of July 22nd, 1920, at three-thirty o'clock, the Executive Committee of the Louisiana Historical Society met in Mr. Bussiere Rouen's office.

Present: Messrs John Dymond, Gaspard Cusachs, Henry P. Dart, W. O. Hart, and Miss Grace King. Mr. Robert Glenk, Curator of the Historical Museum and Mr. T. P. Thompson, President of the State Museum, also attended by invitation.

The meeting was called for the purpose of considering the very important subject of copying and printing of the historical records in the custody of the Society, for which a generous donation was offered through Mr. Dart.

Mr. Cusachs read to the meeting the letter of Mr. W. R. Irby, dated July 20th, addressed to the President of the Society, announcing a gift of \$15,000 to the Society, payable in annual instalments of \$3,000, the money to be used for the preservation, arrangement, indexing and cataloging of the archives of Louisiana, now in the custody of the Louisiana Historical Society, covering the French and Spanish periods, and the territorial government under the United States, which gift is made subject to the conditions stated in the letter aforesaid, and particularly with the direction that the work in question shall be performed under the direction and supervision of Mr. Henry P. Dart, of New Orleans.

The letter is as follows:

New Orleans, July 20, 1920.

Mr. G. Cusachs, President,
Louisiana Historical Society,
City.

Dear Sir:

My attention has been directed to the condition of the Louisiana Archives, now in the custody of the Louisiana Historical Society, covering the French and Spanish Periods, and the Territorial Government under the United States. I believe that these valuable records should be protected against further loss and deterioration, and to that end should be put in order, indexed and catalogued.

I am advised that this work will require not only the attention of persons skilled in that line, but also the expenditure of considerable money. The State of Louisiana will undoubtedly take up this task whenever the legislature finds itself able to provide

the funds. It is also possible that this good object may be expedited, if the work is started by private efforts. I have therefore concluded to offer to the Society the sum of Fifteen Thousand Dollars, to be used for the purposes above set forth, and under the provisions and conditions hereinafter set out.

First: The money aforesaid will be advanced by me in five annual instalments, beginning with the acceptance of this offer; the first payment to be \$3,000.00. I reserve the right to increase this annual contribution by shortening the period of the same, if, in my judgment, the development of the work shall justify it. This money is to be deposited in Canal-Commercial Trust & Savings Bank to credit in joint account of the Society and Mr. Henry P. Dart, New Orleans.

Second: The work in question shall be performed under the direction and supervision of Mr. Henry P. Dart, who has agreed to render his services without compensation. His duties will include the purchase of necessary material, employment of assistants and the regulation and payment of salaries and expenses. No indebtedness shall be incurred or money expended without his consent. I wish the accounts to be kept by the Society and all checks to be counter-signed by Mr. Dart.

Third: In the interim, should the legislature make an appropriation for this work, I reserve the right to discontinue my contribution.

I know the Society will concur in my view, that the great and worthy work should be commenced without delay, and I am ready to make my initial contribution of \$3,000 as soon as the Society acts on my offer. I suggest that you confer with Mr. Dart and arrange the plans and details as soon as possible.

I would be pleased to hear from you promptly.

Sincerely yours,

W. R. IRBY.

On motion unanimously adopted, the letter was ordered to be spread at large upon the minutes of the Society, and the following resolution was also adopted:

Whereas, Mr. W. R. Irby, of New Orleans, has offered to donate to the Louisiana Historical Society the sum of \$15,000, to be used to protect against further loss and deterioration, and to put in order, index and catalog the archives of Louisiana, now in the custody of this society, covering the French and Span-

ish periods, and the territorial government under the United States, which gift was made under the following conditions: That the money shall be delivered in five instalments, beginning with the acceptance of this offer, the first' payment to be \$3,000 and the amount to be increased and the time of payment decreased in the judgment of the donor; the money to be deposited in Canal-Commercial Trust & Savings Bank to credit in joint account of the Society and Mr. Henry P. Dart, of New Orleans; the work to be performed under the direction of said Mr. Dart, without compensation, and his duties to include the purchase of necessary material, employment of assistants and the regulation and payment of salaries and expenses, and no indebtedness to be incurred, or money expended, without his consent. Accounts to be kept by the Society, and all checks to be counter-signed by Mr. Dart. And the donor reserves the right to discontinue the said contribution whenever the legislature shall make an appropriation for the said work, and

Whereas, the Louisiana Historical Society concurs with Mr. Irby in the necessity for the work referred to in his letter and is glad to join with him in the performance of the same.

Therefore Resolved by the Louisiana Historical Society that the donation of \$15,000 made by Mr. W. R. Irby, of New Orleans, under the restrictions and conditions set forth in his letter and in the preceding preamble be and the same is hereby accepted in all its parts.

Resolved Further, That the thanks of this Society be communicated to Mr. Irby, expressing at the same time our appreciation of his splendid gift and of the patriotic impulse which has urged him to make it, a gift which will not only benefit the present inhabitants of Louisiana, but will redound to the happiness of posterity.

Resolved Further, That in accordance with the terms of Mr. Irby's gift, the office of archivist of this Society be and it is hereby created, whose duty it shall be to carry out the object, intent and purpose of the gift made by Mr. Irby, and to fulfill the same in all of its particulars; that all the necessary power be given to said officer to effect and accomplish the task proposed by Mr. Irby, including the use of the archives aforesaid and room and space for the performance of said duty.

Resolved Further, That Mr. Henry P. Dart be and he is hereby elected to fill the office hereinabove created, to serve without compensation.

A letter of thanks to Mr. W. R. Irby, the generous donor, was also drafted; which the Secretary was directed to have copied and to sign with Mr. Cusachs.

New Orleans, La., July 22, 1920.

My Dear Mr. Irby:

Your letter of the 20th inst. was laid before the executive committee of the Louisiana Historical Society at a special meeting held this day. We are instructed by it to accept the gift of \$15,000 which you have made to the Society for the purposes therein set out, and subject to all the clauses and conditions thereof. The Society has also conferred upon Mr. Henry P. Dart all the necessary power to carry out the functions which your gift imposes upon him.

The Society directs us to thank you most sincerely for your splendid gift, and to say further that in its judgment you have rendered a great service, not only to the present inhabitants of Louisiana but to posterity, because the work to be performed under your suggestion will open the archives of our early times to the use of students, and will supply a source of information for the writing of our history, which has heretofore been inaccessible.

We wish also to add our personal appreciation of your gift, and we are,

Sincerely yours,

G. CUSACHS, President.

GRACE KING, Secretary.

After a general discussion as to the proper measures for carrying out the stupendous work entrusted to the Society, and after desultory phrases expressing the high sense of its importance felt by the Executive Committee a vote of thanks to Mr. Dart was passed, to which he responded genially. The Committee then adjourned, Mr. Hart remarking as they left the room that July 22d was a date forever to be remembered by the Society, and recorded in its Minutes as historical.

MEETING OF SEPTEMBER, 1920.

The Louisiana Historical Society resumed its regular meetings after the Summer vacation on Tuesday night September 28, in the Cabildo.

The Minutes of the last meeting were read and adopted; in them were comprised the Minutes of the Executive meeting of the Society, held on July 22nd, to consider the proposition made by Mr. R. W. Irby, through Henry P. Dart, Esq., to give the Society the money necessary to pay the expense of indexing, cataloguing and translating the legal documents contained in a number of boxes, deposited in the care of the society. Mr. Irby's letter making the munificent offer, and the letter of the Executive Committee, thanking him for it, were recorded in the Minutes read by the Secretary; also the action of the Committee creating the office of Archivist of the Louisiana Historical Society; and the election of Mr. Dart to fill it, in accordance with the expressed wish of Mr. Irby, who had requested that Mr. Dart be given full charge over the proposed work.

The action of the Executive Committee was adopted and the thanks of the Society extended to Mr. Irby.

Mr. Hart proposed that the Minutes of the Executive Committee meeting and the correspondence be published in the next number of the Historical Quarterly.

The Secretary was directed by President Cusachs to see that this was done.

Mr. Hart then begged the favor of the attention of the Society for a few moments, while he called to mind the approaching dedication of the monument to Louisiana soldiers on the field of Vicksburg. He gave a short description of the monument and the program of the ceremonies to be observed at its dedication.

Mr. Cusachs then briefly introduced Mr. James H. Renshaw, who read the paper of the evening entitled, "The Liberty Monument." Rarely has the secretary had the pleasure of recording the delivery of a paper of such high and noble worth, one that thrilled the hearts of the audience and commanded their devout attention. Although an actor in the events he described, Mr. Renshaw treated them with the detachment of a careful historian giving the newspaper articles that preceeded the struggle of the Louisianians for the right of self government, on the 14th of September 1873, and the orders issued by the officers in command and the official report of General F. D. Ogden to Col. E. J. Ellis, giving with military clearness and detail the movements of the citizen soldiery that led up to complete victory and vindication of their cause; a document that contains the true historical facts

of the uprising, and without which no historical account of it by friend or foe can be written. The account of the actual combat as presented by Mr. Renshaw was spirited and graphic. In due course of his narrative he told of the presentation of the sword of honour to General Ogden, and spoke of this heroic figure of the 14th of September with a genuine feeling of homage to his character that evoked a similar feeling from his audience, who followed his words with rapt attention. The paper concluded with the story of the raising of the Liberty Monument on the spot of the struggle where the momentous conflict took place.

To complete the historical value of the evening's programme, Col. Frank L. Richardson, one of the oldest members of the Historical Society, in response to a general request, arose and as a personal actor in the fight, gave his account of it; relating in a semi-humorous vein how the movement to throw off the usurping government of the State originated, first in mysterious whispered conversations, and then in secret organization, when one by one the leaders of it were drawn in all secrecy into some private office, where they were enrolled and where the plans were discussed that were carried to their triumphant conclusion. He enumerated the names of the most prominent of the leaders who as he said, had gone into Louisiana history as heroes along with the greatest that the Confederate War had produced; and the martyrs whose names are inscribed on the shaft of the monument, as embalmed in the most sacred memories of the State. He commended them to imperishable fame. He described the capture of the Cabildo which he made at the head of his company, which was politically a stronghold necessary to the claims of either party for political supremacy in the State.

Mr. W. O. Hart, at the close of Col. Richardson's address, made a few pertinent remarks, to which the Vice-President, Mr. John Dymond, was able to add one of his good stories.

Mr. Henry Gill also made an addendum, which he had gathered from one of the members of the old Metropolitan police force, who fought on the 14th, but is at present a porter in the City Library.

The society adjourned very much impressed with the good historical entertainment that had been served them.

MEETING OF OCTOBER, 1920

The Louisiana Historical Society held its regular monthly meeting on the evening of Tuesday, October 20th, at the Cabildo.

There was a good attendance of members with the President in the chair.

The Minutes of the previous meeting were read and approved. The following candidates for membership were presented and duly elected: Mrs. Frances Collins, Mr. B. N. Grunewald, Mr. C. F. Borah, Mr. Louis Knop, Jr., Mr. Charles F. Lawhorne, Mrs. C. P. O'Connor.

Col. James D. Hill gave great pleasure to the Society by recounting in an informal way the various incidents connected with his participation in the recent ceremonies of the unveiling of a shaft to the memory of Louisiana on the field of Vicksburg, giving a picturesque description of the shaft, and the arch erected at the same time. Col. Hill was warmly applauded.

To which Mr. Hart in a felicitous manner added a few remarks calling attention to the fact that most of the men connected with the raising of the monument were members of the Louisiana Historical Society; recalling also the heroic exploit of Col. Hill during the siege of Vicksburg when to carry important dispatches to the Confederate army from the beleaguered camp he traversed the Federal lines and crossed the Mississippi by swimming the river impenetrably guarded, it was thought, by gunboats, a feat whose equal for cool bravery has never been surpassed in the annals of war.

Mr. Hart then presented to the Society, in the name of Mrs. Louise Magnon Percy, a small package of books just handed to him, whose contents he had not had time to examine or estimate; he read their titles which of themselves were a guarantee of their rarity. The book was a "Gibson Directory of the State of Louisiana, and of the cities of New Orleans and Lafayette", published in 1838, filled with information of exceeding interest and importance. The pamphlets, which were old but in good condition comprised "La visite du Général Lafayette a la Louisiane", published in 1825 containing details of his reception in the City and the speeches made by him and his hosts during his sojourn here, with a description of the festivities held in his honour and a picture of the triumphal arch erected in Jackson Square.

The second pamphlet was the old, and it was supposed, obsolete "Réflexions sur la campagne du Général Jackson en Louisianne en 1814 et 1815" by Bernard Marigny.

It is written in his best vein, and is therefore inimitable as to style and invaluable as to information about the preparation for the Battle, related with much amusing gossip and shrewd remarks, altogether the best personal narrative of the Battle and the events that succeeded it that has come down to us.

The third pamphlet was the locally celebrated "ecole du Peuple" by the late distinguished Dr. Charles Delery, a comedy in verse, satirising the politicians of the Reconstruction Period, printed in the city in 1877; in its day it had a great success, at present it is a literary curiosity and a historical relic.

Mrs. Percy was thanked for her generous present, which the President pronounced from his knowledge of Louisiana books, most precious.

The paper of the evening was contributed by Mr. W. O. Hart. It was, as he explained, a natural consequence of Mr. Renshaw's paper read at the last meeting, on the Liberty Monument. Chronologically, it should have preceded it, as it presented in a clear condensed form the various phases of the political struggle that culminated in the fight of the 14th of September. Mr. Hart, by including in his paper the most important documents connected with the development of the momentous revolution in Louisiana, perfected it.

Of particular interest were the speeches of Governor Nicholls and the military orders of President Grant.

At the close of the paper, Mr. Hart was thanked for his timely and valuable contribution.

Before separating, at the end of the meeting, Mr. Hart introduced the following resolution which was passed at once:

Be it Resolved, That the Chairman of the Executive Committee do invite Mr. Jennings C. Wise of New York City, to address the Society, or to read a paper at its December meeting, December 28th, on the History of the Washington Artillery in the Virginia Campaign of 1861 to 1865.

The meeting then adjourned.

MEETING OF NOVEMBER, 1920

Constrained by circumstances, the Society changed the date of its regular meeting from the last Tuesday in November to Thursday, 2nd of December.

The attendance was large and representative. After the reading of the Minutes, the following candidates were presented for election, to the Society:

Mrs. George S. Dodds
Mrs. Esther R. Manent
Rev. Andre Monod
Mr. Frank E. Powell

Mr. P. H. Oranga de Gallory
Mrs. Juan N. O. Monasterio
Mrs. C. G. Mouton
Mr. John T. Sawyer

All were elected.

Mrs. Socrates Drew, a member of the Society, donated to the Society an interesting historical souvenir, a little dress made and embroidered by Mrs. Jefferson Davis in 1861 and given to the little daughter of Captain Isaac Ambrose Smith. The donation was made through Mr. Hart. The Society gave a vote of thanks to Mrs. Drew.

The following resolutions were introduced by Mr. Hart and passed unanimously:

Be it Resolved, by the Louisiana Historical Society, That the offer of Miss Kate J. Donovan to deposit with the Society the great historical painting by Poincy, showing the formation of the New Orleans Volunteer Fire Department at Clay Statue on Canal Street for the parade on March 4th, 1873, be accepted, and said picture suitably placed in the Cabildo, and that the recording Secretary be requested to transmit a copy of this resolution and the thanks of the Society to Miss Donovan.

Be it Resolved, by the Louisiana Historical Society, That the Louisville and Nashville Railroad be requested to change the station on its line between New Orleans and Mobile, now known as "Dunbar", to its former historical name of "English Lookout", and that a copy of this resolution be sent to the proper officers of the Company.

Mr. Andre Lafargue read a paper on the Biloxi Bi-Centennial held during the past Summer. It consisted of a recapitulation of the always interesting episode of Bienville's discovery of the Mississippi and the settlement of the French at Biloxi.

To this was added the address delivered by Mr. Lafargue at the ceremony of dedicating a memorial to the founding of Biloxi. He was thanked by the Society.

Col. James D. Hill followed him in an address that appealed to the hearts as well as the minds of his audience. Presenting to the Society on the part of Mrs. Ogden, the portrait of General Frederick Nash Ogden, he gave a sketch of the life and character of the noble Louisiana hero, as a Confederate officer at Vicksburg and the leader in the fight of the 14th of September, for the right of Louisianians to the government of their own State and incidentally for the right of the South to self government. In detailing the various phases that led up to the great contest, Col. Hill passed from his own recital to a review of the Reconstruction history of Louisiana. He did this with matchless eloquence and historical mastery of his subject, leading up to the climax of withdrawing a Confederate flag from the portrait of General Ogden, which was given to the Society by his revered widow. Never had an audience in the Cabildo been more moved than by this noble tribute of an old Confederate soldier, to a comrade and officer. General Behan received the portrait for the Society, in a manner and in words that befitted the noble occasion.

At the close of the address, the audience moved with one accord toward the widow of General Ogden, seeking to convey to her the heart-felt homage that could only be given in hand clasps and looks from tear bedewed eyes.

The Society adjourned in impressive silence.

DECEMBER, 1920.

There was no meeting of the Society this month.

MEETING OF JANUARY, 1921.

The regular meeting of the Louisiana Historical Society was held on Tuesday the 24th at the Cabildo.

There was a good attendance of members.

The Minutes of the previous meeting were read by the Secretary, and approved.

The following were elected members of the Society:

E. E. Brady, Jr.

O. Garsaud

B. L. Jewett

Julian S. Levy

A. J. McShane

J. T. Purnell

F. C. Dahlgren

C. E. Hardin

Marcel Kraus

J. S. McClane

W. J. Oberlie

J. M. Vergnolle

G. Fernandez, Sr.

W. J. Hennessey

J. H. Labesque

O. I. McLennan

Fred Muller

R. H. Waldo

Charles Schneider

Mesdames:

P. E. Edrington

B. B. Jewett

Maggie Fernier

R. H. Schneider

R. C. Horgis

I. D. Strafford

Miss Marguerite Samuels

All endorsed by Mr. W. O. Hart. They were all elected.

The Secretary called the attention of the Society to the death of a fellow member, Miss Kate McCall, who departed this life on Nov. 14th, 1920. Although not an active member of the Society, she was faithful in her attendance and ever loyal to its interests.

Mr. L. A. Hubert at the request of the President gave a short talk on the picture of the Firemen's Parade, presented to the Society by Miss Donovan.

A friend of Mr. Poincy the painter of it, he gave a graphic picture of the artist in his old studio on Canal street, when he was about fifty years of age, pleasant, unassuming, a gentleman of the old school. In his day he was the most noted portrait painter of the South, and still considered one of the best that ever worked in New Orleans.

There are one hundred and forty portraits in the Firemen's Parade Picture.

Poincy did not restrict himself to this work. He left behind him a number of landscapes. Mr. Hubert recalled particularly a view of Gentilly Road, and a charming interior scene called "Le Premier Pas", the centre figure being a child trying to walk.

He was thanked for his remarks and the Secretary was instructed to convey to Miss Donovan the grateful appreciation of the Society.

Mr. W. O. Hart gave a paper on the "Constitutional Conventions of the Past in Louisiana," and reflections on the coming one, treating his subject with clear comprehension and making it interesting to his audience. Mr. Hart was warmly applauded and thanked.

He then presented to the Society, on the part of Mr. Fred Muller, a valuable collection of war souvenirs, comprising: 346 official war photos, first issue of a Russian paper, published in the Hague, Holland, a Hungarian newspaper, published during the Bolshevist regime, proclamation of the King of Hedjaz, map of the world, showing allied flags with Turkish or Arabian text, picture of Jerusalem, the Holy city, seven illustrated publications, text Turkish or Arabian.

Mr. Muller was thanked by vote.

The annual election of officers then followed.

Mr. Peytavin presented the list of the old officers as follows:

Gaspar Cusachs, President; John Dymond, First Vice-President; Bussiere Rouen, Second Vice-President; Henry Renshaw, Third Vice-President; Grace King, Recording Secretary; Heloise Cruzat, Corresponding Secretary; W. O. Hart, Treasurer; H. P. Dart, Archivist.

He moved to reelect the same persons.

Mr. Henry Gill seconded the motion, in a warm tribute to the present incumbents. All were elected unanimously.

The meeting was then adjourned.

FEBRUARY, 1921.

The regular monthly meeting of the Louisiana Historical Society took place on the evening of Tuesday, 22nd February, at the Cabildo. There was an unusually good attendance of members.

The minutes were read and approved and the following were elected members of the Society.

Frank Bethune
J. Henry Blache
Charles D. Bornwasser
Benjamin Crump, Jr.
W. W. Cummings
Clarence de Lucas
Rev. William Reeves

Charles Schneidau
M. B. Sontheimer
James H. Tharpe
Mr. Longo
P. E. Cooney
J. C. Lafaye

The Secretary read the annual report of the Treasurer, which showed a cash balance on hand of \$263.77. The report showed only the gross receipts and disbursements month by month, a fact deplored by the Secretary as depriving the members of a rightful share in the record of the financial progress of the Society.

Mrs. Shertz made a moving plea on behalf of T. H. de Thulstrup, the artist, whose picture "The Transfer of Louisiana" had been hanging on the walls of the Sala Capitular for fifteen years. The picture when finished was dedicated to the Historical Society by the painter who had hoped for its eventual purchase by the Society, but the funds had never been found for this and the affair had dropped into oblivion; but as according to Mrs. Shertz the artist was at present in need and would agree to accept \$1000 for the picture, a fifth of the original price, the Society voted \$100 as a donation toward the purchase and fifty dollars was subscribed at the meeting. Mrs. Shertz, Mr. Hart and Mr. Parsons were appointed by the chair to act as a committee to collect the balance of the purchase price.

Mr. Joseph Mitchell Pilcher, who had the place of honour on the programme, read a paper on Judah P. Benjamin or "Jewish prophecy fulfilled." The essay showed careful study and painstaking preparation. It was listened to with interest and received a hearty vote of thanks.

Mr. Hart remarking that as it was the 22nd of February, the birthday of George Washington, he thought it was meet that the Society should remember it officially, and he offered to read a ten minutes paper that he had prepared on the subject. It proved a very charming as well as timely contribution and the members showed great pleasure in listening to it and gave Mr. Hart an enthusiastic vote of thanks at its close.

Before adjourning the President announced that as to the naming of committees left over from the last meeting, he after due consideration thought he could do no better in the interest of the Society than to reappoint the committees that had served the year before.

In consequence he took pleasure in announcing that once again Mr. John Dymond would occupy the place of manager and editor of the Society's publication, the *Historical Quarterly*, a position that he had filled heretofore with brilliant success and one in which he had given eminent satisfaction.

This was received with applause and the Society adjourned.

MEETING OF MARCH 22, 1921.

The regular monthly meeting of the Louisiana Historical Society was held at the Cabildo, Tuesday, March 22, 1921, at 8 o'clock p. m. Mr. Gaspar Cusachs, President, presided.

Mr. Cusachs stated with regret that Miss Grace King, Recording Secretary of the Society, was unable to attend the meeting, and asked Mr. E. A. Parsons to act as secretary.

Senator Dymond offered the name of Mr. George H. Terriberry, for membership and thereupon Mr. W. O. Hart produced a list of names of twenty-two new members, including Mr. Terriberry, all of whom were duly elected members.

A resolution was then offered by Mr. Hart, that:

Whereas the ancient City of Orleans, France, would on May 7th and 8th, 1921, celebrate with appropriate ceremonies the four hundredth anniversary of the entrance of Jeanne d'Arc into that historic city; and that whereas the City of Paris would on the 5th of May, 1921, celebrate the one hundredth anniversary of the death of Napoleon; and that whereas the city of Rheims would on July 16th and 17th, celebrate with due solemnity, the return of the statue of Jeanne d'Arc, which was sent to the rear during the bombardment in 1918, that it is proper that the Louisiana Historical Society should be represented at these celebrations, therefore,

Be It Resolved that the President of the Society be and he is hereby authorized to appoint one or two of its members as delegates to represent the Society at the celebrations in said cities and that his appointees be duly commissioned by him.

We may add that the celebration at Rheims will be organized by the Association des Ecrivains Combattants and by the Fédération des Artistes Mobilisés.

Said resolution was unanimously adopted by the Society.

The President then stated that the celebration of the one hundredth anniversary of the Treaty between Spain and the United States, 1819-1821, and the incorporation of certain of the parishes of West Florida into the State of Louisiana, had been celebrated with appropriate ceremonies at Baton Rouge, and that he had appointed Mr. E. A. Parsons to deliver the address on behalf of the Society, on that occasion, and called upon Mr. Parsons for a report.

Mr. Parsons stated that in accordance with the President's appointment, he delivered the address at the Celebration, entitled, "Louisiana Completa: A Centenary Relation of West Florida and the Treaty with Spain, 1819-1821," and he presented a program of the ceremonies held on that occasion.

Mr. Hart supplemented the report and the president requested Mr. Parsons to deliver the address at the April meeting of the Society.

Mr. O. W. Hart then read the paper of the evening, entitled, "The Rights of Women in Louisiana", an interesting and informing historic account of the rights of married women in Louisiana. At its conclusion, Col. Hill moved that Mr. Hart be thanked for his paper and that same be published, which motion was unanimously approved.

A request was then made by Mr. Hart for the members of the Society to aid in the membership drive of the American Legion.

Senator Dymond then referred to the fact that states, other than Louisiana, had community laws, which provoked a general debate on the recent income tax community property decision, in which Mr. Hart, Senator Dymond, Mr. J. L. Peytavin, Mr. J. A. Woodville, Mr. Lafargue and Mr. Parsons took part.

On motion duly seconded, the meeting adjourned.

APRIL MEETING

The Louisiana Historical Society held its regular monthly meeting on the evening of April 26th at the Cabildo. Owing to the inclement weather, the attendance was small. President Cusachs was absent having been called away from the city by important business; Mr. John Dymond presided in his place.

The minutes of the last meeting were read and approved.

The following names were presented to be voted on as members of the Society:

Louis Bauer
Mrs. John M. Burgoyne
A. S. Cain
A. S. Cain, Jr.
J. Chalona
John W. W. Cumming
Henry A. Gandolfo
John L. Longo

Harry H. Marks
Frank Ruth, Jr.
Miss Annie Laurie Robertson
Mrs. S. W. Sholars
Miss Stella Weber
Emile Weil
Miss Mary R. Wright
Rev. S. L. Vail

All were elected.

Miss King read an extract from the "Dearborn Independent" of April 16, 1921, which she said had struck her attention as historically important. It contained the account of an interview with John F. Robinson of Ohio, the son of the once famous Circus Robinson. In these reminiscences of his youth he stated that his father's celebrated trick horse "Champion" served as model to Mills for the equestrian statue of General Jackson and he gave the following account of it:

"You know, in the old days of the circus, every showman of any prominence at all had a trained horse—that is, the principal performers. My father had a famous stallion, the color of old gold. His mane and tail were white. His name was 'Champion.' One of his principal tricks was walking around the circus rings on his hind legs.

"That Jackson statue is the first equestrian one representing a horse rearing without props. Jackson is in full uniform, as though he is entering New Orleans with his chapeau raised in a salute. The statue was erected by the State of Louisiana in memory of Jackson and the battle of Chalmette Plains, and the old people around Jackson Square say that the forepart of the horse is hollow. But it isn't. He stands on his hind legs perfectly balanced, and he has stood that way for many years, during all of the tropical storms, and never moved an inch.

"Well, when the sculptor started to make his statue, his idea was to put a prop under the horse, or a brace, like every other equestrian statue, and then later he wanted to leave out the brace. And he wanted a good horse for a model. After several months investigation—maybe several years, I don't remember now—he hadn't found either a model or a way to get rid of the props. One day Champion was being exercised, and reared, while the sculptor was standing in a doorway watching him. The jamb of the door made a line from the horse's feet through the body to the crest of the neck. The sculptor saw the legs of the rider and the front half of the horse, but the hind parts and the body of the rider were behind the post. While the horse was reared that way the sculptor saw that he just shifted his weight so as to bring the center of gravity on his hind feet when he balanced for the jump. And he made the statue horse that way. It isn't even bolted down; it stands balanced."

All in all the evening proved most enjoyable and entertaining in spite of the adverse condition of the weather and the of-

ficers of the Society congratulated themselves on having afforded such a good historical and literary entertainment to the visitors who had braved the weather, attracted by the inducement offered by the invitation.

On motion, the Society adjourned.

ANNOUNCEMENT.

At the last meeting of the Executive Committee of the Historical Society, President Cusachs announced that in view of the increasing number of donations to the Society that it behooved him to make provision for a more systematic reception of them and for a more careful listing of them than had been accorded in the past by the limited force of the officials of the Society and that therefore he thought it eminently proper to form a Relic Committee to take this charge and responsibility. He therefore named upon this committee the following well known and thoroughly competent ladies, members of the Society: Miss Florence Dymond, Miss Annie King, regent for La. at the Mount Vernon Association and chairman of their Relic Committee and Mrs. Henry Gill. These ladies have accepted and organized for duty.

MAY MEETING, 1921.

The Louisiana Historical Society held its regular monthly meeting on Tuesday evening, May 24th in the Cabildo.

In the absence of the President the first Vice President, Mr. John Dymond, presided.

The minutes of the previous meeting having been read and approved, the following were elected members of the Society:

Messrs. Charles Boyle, Thomas E. Furlow, Gus. Ortling, Alfred Delavigne, Mrs. John B. Elliott, Miss Helen Grey, Professor Courtney de Kalb.

The Secretary read a communication she had received from Mr. Robert Glenk, in answer to her inquiry about the equestrian statue of General Jackson. He stated that upon investigation he had found that the statue was bolted to its granite pedestal and not merely balanced upon it as was currently believed. The Secretary also read a letter from Judge Gabriel Fernandez giving as she had requested of him, the history of the Crucifix of Pere Antoine recently presented by him to the Historical Society. His answer was most interesting and satisfactory.

May 4th, 1921.

Miss Grace King,
1749 Coliseum street, City.

Dear Miss King:

Upon investigation we find that the Jackson statue is fastened to the granite base by bolts.

In order to make it clear to you how this is done, I enclose herewith a sketch showing the solid casting of the hind leg, hoof and plate. The dimensions of the plate are 16 by 10 inches and thickness about four inches. This plate is let into the metal base which sits on the granite block. It is possible that this plate may be thick enough to go down into the Granite and so securely hold the balanced horse in place. We have no means of determining this, however, and merely offer it as a suggestion. The four bolts are located at the four corners as the sketch shows.

I trust that this information will answer your purpose.

Cordially yours,

ROBERT GLENK,
Curator.

We have the corner stone of the Statue, with the inscription "Clark Mills" in the Museum. I do not know how it came to be removed.

New Orleans, May 17th, 1921.

Miss Grace King,
1749 Coliseum Street,
New Orleans, La.

My Dear Miss King:

Father Antonio de Sedella was born on the 18th of November, 1748, arrived in New Orleans in the beginning of January, 1781, and died on the 19th of January, 1829. These facts can be ascertained by consulting the archives of the Saint Louis Cathedral. If you so desire, I will produce a death certificate to that effect.

On the 9th of October, 1823, was born my father, Denis Diego Louis, son of Ruffin Thomas Fernandez, a native of the Parish of St. Bernard, born at a place known as Galveston, on the 16th of November, 1799, and died on the 10th of September, 1843—and Elizabeth Louise Helliot, of this city, born on the 15th of June, 1802, and died on the 14th of December, 1829.

My father's parental ancestors are the late Diego Fernandez, a retired officer from the Army of "His Catholic Majesty,"

and his late wife, Vincenta Marrero; his maternal ancestors were the late William Helliott and Mary Magdalena Warker; the latter was born in New York City in 1772, and died in New Orleans on the 26th October, 1833.

My father was baptized at the Saint Louis Cathedral, on the 25th October, 1823, by Rev. Aug. Jean Jean, Vicar.

Father Antonio de Sedella, pastor of the Cathedral, stood as the godfather, and in lieu and stead of a godmother, the child was put under the protection of the Blessed Virgin.

These facts can be ascertained by referring to the archives of the Saint Louis Cathedral, and the slab on the family tomb in the Saint Louis Cemetery, No. 3, corner of Claiborne Avenue and St. Louis street.

The cross which was presented by us to the Society was the one suspended from Father Antonio's rosary, which encircled his waist,—was given by him to my father,—remained a relic in the family, and a few days after my marriage with Mrs. Fernandez, was given to her by my father.

This is, in a few words, the history of the cross, accompanied with a little genealogical sketch, which was absolutely necessary for its intelligent understanding.

Yours truly,

GABRIEL FERNANDEZ.

Mr. Rene Couturie presented to the Society a very well preserved copy of the "Contract Social" by Jean Jacques Rousseau, a volume small as to size but of momentous historical fame. It was published in Lyons, France in 1792.

Mr. Hart then gave pleasant news of the Society's good friend and honorary member Mr. Sanford Saltus, who had attended the Napoleon celebration held in Paris on May 5th, 1921, the centennial anniversary of the death of Napoleon. Mr. Saltus had handsomely presented a wreath from the Historical Society with a flag of the city on that occasion and he requested that a wreath be laid on the statue of Joan of Arc in his name in our Cathedral on the date of the celebration of her canonization. Mr. Hart stated that he had complied with the request.

Mr. Hart read the following interesting account of Napoleon's service to the sugar industry:

Napoleon and Sugar.

"The centennial of the death of Napoleon Bonaparte may serve as an occasion to call attention to one of his most lasting but least known works of peace—the founding of the European beet sugar industry.

"In the early days of the nineteenth century, food conditions were precarious in France. Agriculture was at a low ebb—and sugar sold for a dollar a pound. Napoleon's Berlin decree of 1806, prohibiting imports of foodstuffs, made France more dependent than ever on her own resources. To alleviate the sugar shortage, Napoleon heard the claims of the theorists who maintained that grape sugar and beet sugar were the sugars of the future. He offered prizes for the best results and set his chemists to the task of making experiments.

"At first it seemed as if grape sugar would emerge the victor, but in 1811 Napoleon became convinced of the superior qualities of the beet product. Forthwith he appropriated 1,000,000 francs for six technical beet sugar schools. He prohibited imports of Indian sugars and ordered 79,000 acres to be planted with sugar beets.

"Napoleon's interest in the new industry never wavered. A year later he ordered 100 students transferred from schools of medicine, pharmacy and chemistry to the beet sugar educational centers. At the same time he ordered the beet sowing increased to 150,000 acres.

"How successful was Napoleon's sugar policy may be gathered from this extract from a report of one of his ministers in 1813: 'During this year the manufacture of sugar which is extracted from beet root will give us 7,700,700 pounds of this staple. It is prepared in 334 factories, all of which are in actual activity.'"

Mr. Hart then read a hurried communication from Mr. Lafargue, the delegate sent from the city and the Historical Society to the Jean d'Arc ceremonies held in Orleans, France. Mr. Lafargue sent photographs showing the gorgeous character of the church celebration on that occasion and promised a fuller report of the proceedings and account of his participation in them to be sent at a later date.

Mr. Parsons then read the paper of the evening entitled "Louisiana Completa." It proved a clear and most comprehensive account of that most complicated series of treaties and political

intrigues that led up to the final and definite inclusion of East and West Florida in the Louisiana territory and its incorporation into the United States.

The speaker was listened to with great interest and was warmly applauded and thanked at the end by an enthusiastic vote.

Mr. Hart made a very eloquent presentation of a great donation indeed to the Society. This was two venerable looking volumes bound in leather entitled "A universal family Bible," printed in 1775 and preserved and cherished in the family of Mr. Andrew Hero, the original owner, until his descendants, Mr. and Mrs. Charles Hero, had the happy inspiration of presenting it to the Historical Society, who as they were assured would give it an honoured place in their collection of historical relics. The donors, who were present, were thanked by a grateful vote.

The Society then adjourned to meet in June.

MEETING OF JUNE, 1921.

The Louisiana Historical Society held its regular monthly meeting on Tuesday evening, June 28th at the Cabildo. Notwithstanding the intense heat the attendance was very large.

In the absence of President Cusachs, Mr. Dymond presided. The Secretary read the Minutes of the previous meeting which were approved.

The following were elected members of the Society:

Miss Marcia Davis, Albert R. Israel, F. Otway Denny, H. L. Zander, Jules A. Grasser, H. de Bonneval.

The Secretary then read a letter from Mr. Warrington Dawson, Special Assistant to the Embassy of the U. S. in Paris, in which he thanked the Society for sending him copies of the Louisiana Historical Quarterly containing his translation of the Baron Marc de Villiers' history of the founding of New Orleans.

Mr. W. O. Hart then read the following resolutions which he had prepared:

Whereas, Mr. William D. Windom of Washington, D. C., through Captain G. T. Beauregard, a member of the Historical Society, has sent to the Society a complete copy of the original plans for the building of the Custom House in New Orleans, the construction of which General G. T. Beauregard, Louisiana's great Confederate General, was in charge, said plans are hereby accepted by the Society and the Secretary requested to send a note of thanks therefor to Mr. Windom and Captain Beauregard.

Second resolution by Mr. W. O. Hart:

Whereas, The Belleau Wood Memorial Association of the City of Washington has been organized to rebuild the Village of Belleau Wood and to care for the cemetery there, wherein are buried soldiers from almost every state in the U. S., the village having been destroyed by the Germans in the fierce fighting in that neighborhood in the Summer of 1918, therefore,

Be it Resolved, That out of respect to the twenty-one Louisiana soldiers buried in the Belleau Wood Cemetery, the Louisiana Historical Society does hereby appropriate Twenty-Five Dollars, to the work of the Association above named.

The resolutions were adopted with unanimity.

Mr. Charles Favrot, the essayist of the evening, read a paper "On the Construction of the Custom House of New Orleans." It presented in a compact form the main facts and statistics connected with the building of the Custom House, with the addition of a few personal comments and explanations. The paper was most interesting and the Society showed its appreciation of Mr. Favrot's scholarly and technical skill exhibited in it. There were a few questions of a technical nature asked.

The original plans exhibited excited much interest.

Mr. W. O. Hart read a short account of Clark Mills, the sculptor, of the equestrian statue of General Jackson.

The third number on the programme was the presentation of a portrait of the late Alexander Dimitry, the distinguished scholar, by Mr. F. C. Marks. He did this in a few words of honest admiration for the friend of his father, Mr. Solomon Marx, to whom the portrait had been presented by the children of Alexander Dimitry. Col. J. D. Hill accepted the portrait on behalf of the Society, whose sentiments he voiced in his usual eloquent and heart moving way.

The Society then adjourned.

MEETING OF OCTOBER, 1921.

The Louisiana Historical Society met on the evening of October, 25th in the Cabildo. President Cusachs presided.

There was a full attendance of members and visitors, the room was crowded.

By motion the reading of the Minutes was dispensed with. The following candidates for membership were elected:

Mrs. Coales Alpha; O. D. Brooks, W. F. Loan, Mrs. Ida M. Patterson, J. Woodford Sanders, Jos. D. Barksdale, Dr. C. Edmund Kells, C. M. Morales, Major E. K. Russ, Mrs. Malvina Shortridge, Brother Bertrand, H. J. Lea, Lyle Saxon.

The paper of the evening was "Remy's Lost History of Louisiana," by Henry P. Dart. It goes without saying that such a paper from such a master hand was written and presented in a rarely perfect manner.

Introducing his subject with a slight sketch of the author, giving in rapid sequence his writing the history of Louisiana, which he failed to get published, and which became to all purposes a lost history, Mr. Dart related the various steps that led him to the good fortune of finding it, and having it partially translated.

In evidence of the nature of the work as a contribution to Louisiana history, he read an excerpt from the chapter on O'Reilly. A dramatic and forceful delineation of the man and of his policy. Mr. Dart made a courteous acknowledgment of his obligation to Mrs. Cruzat, for translating the manuscript.

The paper was listened to with intense interest and at the close, Mr. Dart, in a splendid burst of feeling, appealed to his audience to join him in the noble purpose of getting this great history published.

There followed the presentation to the Society of the medals awarded to the "Secours Louisianais," by the Republic of France, in acknowledgment of their services in the late war. Judge Henry Renshaw, in behalf of Mrs. A. W. de Roaldes, President of the Secours Louisianais, made the presentation.

Judge Renshaw made the presentation address in noble, eloquent language, which befitted the occasion.

President Cusachs received the donation with a simple but earnest expression of thanks.

There followed the presentation to the Society, by the Consul General of Guayaquil of two interesting pamphlets on the Life and services of General Villamil, the great patriot of Ecuador.

There being no further business, the President after receiving the pamphlets, adjourned the meeting.

MEETING OF NOVEMBER, 1921.

The Louisiana Historical Society held its regular monthly meeting on Tuesday, November 22nd, at the Cabildo.

There was a fairly good attendance of members and visitors. Mr. Cusachs presided.

After the reading of the Minutes, which were approved, the following were elected members of the Society: Mr. Lionel Adams, Mr. F. D. Breckinridge, and Mrs. Georgie Winship Rathborne.

Mr. Bussiere Rouen made a report from the Foch reception Committee, appointed at the last Executive meeting of the Society, to the effect: That the Marshal's time having been fixed by the Legion Programme Committee, which limited him to fourteen hours in the City, it did not seem possible for him to include a visit to the Cabildo, in the list of functions proposed for him. Mr. Rouen, however, succeeded in effecting a slight change in order to receive the Marshal, at least for a few minutes in the Sala Capitular.

Miss King read a letter from Mr. Wm. D. Windom, of Washington, D. C., presenting to the Society a document signed by O'Reilly. The Society thanked Mr. Windom by vote.

"Courts and Colonial Laws of Louisiana," was the subject of the talk made by Henry P. Dart, Esq. He spoke for about an hour from the easy store of his knowledge on the subject, holding the closest attention of his audience. He gave a cursory account on the ancient French law, from which Louisiana law was primarily derived, tracing it down through the "Custom of Paris," the foundation of our civil code; giving a brief description of the manner of trial in our colonial courts. Spanish law which succeeded the French, was similarly touched upon in the light humorous vein characteristic of the lecturer. Many pertinent examples were cited of the Spanish mode of civil procedure. He concluded by reading a witty excerpt from his admired late address given before the Bar Association of Louisiana at its last meeting in Shreveport.

Mr. Edward Alexander Parsons followed with a personal sketch of Henry Vignaud, the inspiration for which came from a recent visit to Paris. Mr. Parsons opened his admirable sketch with a description of Mr. Vignaud's villa at Bagneux, a small village on the outskirts of Paris, recounting in a most felicitous manner the impression produced upon him by the personality of the

distinguished Louisianian and by his famous library, the home of perhaps the rarest collection of Americana in the world. This led to the account of Mr. Vignaud's great achievement in solving the Columbus mystery and the Toscanelli Letters. It may be said that Mr. Parsons' masterly presentation of this complicated controversy, was one that Vignaud himself would be pleased to own. At the close of the address, Mr. Parsons was thanked by vote, and the unanimous request was made that his paper be printed in the next Quarterly Publication of the Society.

At the conclusion of Mr. Parsons' paper, Miss Valsina Guillot, who claims some of the same ascendants as Mr. Vignaud, presented to the Society two portraits. One of Mrs. Henry Vignaud, nee Fouquet, her great grandmother, as well the great grandmother of Henry Vignaud; the other of Mrs. Guesnard de Lezay, maternal grandmother of Miss Guillot. Mr. Cusachs in proposing a vote of thanks, said the Society was deeply grateful for these two portraits of ladies of that old aristocracy of which New Orleans is so proud.

The programme for the evening being terminated, the Society adjourned.

MEETING OF DECEMBER, 1921.

The meeting of the Historical Society was pretermitted in December on account of the conflicting dates of the holidays and the necessary preparations for a reception to Maréchal Foch, who was scheduled to arrive in the city on the eighth of the month.

This great event in the history of the Society took place on the morning of the eighth. A distinguished concourse of invited guests composed of the members of the Historical Society and of the *Athénée Louisianais* assembled in the stately room, the *Sala Capitular* in spite of the very unfavorable weather, a heavy down-pour of rain falling at the time. A space was kept clear opposite the door of entrance at which stood the officers of the two societies.

Owing to the narrow limit of time allowed by the Marshal's committee of arrangements—only the short space of minutes between a hurried visit to the Cathedral and the ensuing civil functions—the ceremonies were curtailed to merely absolutely necessary formulae of a reception. But these were carried out in a manner worthy of the occasion. Mr. Bussiere Rouen, the Presi-

dent of the *Athénée Louisianais* and vice president of the Louisiana Historical Society made a short and impressive speech of welcome in French, recalling the past history of Louisiana and the blood relation of its people to France, to which the Marshal listened with grave attention, bowing his head from time to time in cordial acquiescence. The president of the Historical Society then presented him with an embossed certificate of his election to an honorary membership in the Society together with a volume containing a short history of the Cabildo and a description of the great events that had taken place in the hall in which the Marshal stood. The Marshal received both with every mark of distinguished appreciation. We regret that no report was made of the reply of our distinguished guest, to Mr. Rouen's eloquent address.

After a brief tour of the room the illustrious guest was conducted down the great stairway where he took his leave and resumed his place in the procession awaiting him.

Mr. Rouen's address:

Messieur le Maréchal,

Messieurs les officiers:

Le programme très touffu préparé pour votre trop court séjour en notre vieille Ville du Croissant, ne me permet pas de vous faire un long discours, ce dont vous vous réjouirez, sans doute; je dois me limiter à quelque mots que j'ai écrits pour ne pas vous retarder.

Je veux vous dire, pourtant, que nous avons suivi, avec angoisse au début, ensuite avec fierté, les péripéties du drame épouvantable qui se déroulait en Europe; je me fais l'interprète de tous mes concitoyens en vous priant de croire à leur admiration pour l'art incomparable dont vous avez fait preuve, M. le Maréchal, en conduisant les alliés à la victoire et en donnant au monde le drouit, la liberté et surtout la paix.

La Société Historique de la Louisiane et l'*Athénée Louisianais* ne veulent pas que vous passiez devant le Cabildo sans vous inviter à y rester un instant. Au point de vue français, la salle dans laquelle vous vous trouvez est, selon moi, le sanctuaire historique le plus important aux Etats-Unis. C'est ici, à l'endroit même où vous vous tenez, que fut signé en-1803, l'acte par lequel la France céda aux Etats-Unis l'ancienne Louisiane, territoire énorme qui comprend un gros tiers des Etats-Unis et qui a été subdivisé en treize Etats, dont la Louisiane actuelle fait partie. Sur le mur se

trouve le beau tableau de M. de Tholstrup qui représente parfaitement la fin de la cérémonie de la Cession, moment solennel où l'étendard étoilé américain prit la place du drapeau tricolore français, sur la Place d'Armes, aujourd'hui la Place Jackson. Vous apercevez la Cathédrale St. Louis (dont vous sortez) avant qu'on y mette les clochers, le Cabildo où nous sommes. Le musée d'Etat, qui est de l'autre côté, n'est pas dans le tableau.

Monsieur le Maréchal, si Napoléon a jugé convenable de céder cette grande étendue de terre, les coeurs des Louisianais battent toujours pour la France. La Société Historique de la Louisiane est la gardienne fidèle de cette Salle historique, et dépositaire des archives précieuses de l'ancienne colonie, manuscrits que nous faisons traduire et que nous publions, pour permettre aux étudiants, aux érudits même, de se documenter convenablement sur l'histoire de la Louisiane. L'Athénée Louisianais a été fondé en 1876 par un Louisianais distingué qui a voulu perpétuer, ici, la langue, la pensée, les traditions, le souvenir de nos ancêtres. J'ai l'honneur d'être officier de ces deux institutions et je suis heureux de vous assurer qu'elles n'ont jamais été plus prospères qu'en ce moment. Dans nos familles créoles, même celles qui sont américaines à six et sept générations, on parle encore la douce langue de France. Pendant la grande guerre, avant l'entrée des Etats-Unis, il s'est formé en Louisiane bon nombre de Sociétés, lesquelles ont travaillé avec acharnement pour venir en aide à la France, à ses soldats, à ses orphelins. On y allait de bon coeur, on voulait donner à votre patrie des preuves de notre inaltérable affection. Nous pensons toujours à elle, notre zèle ne se ralentit pas. Un de mes collègues distingués a très bien exprimé cette pensée en disant qu'on peut aimer la Louisiane comme on aime sa mère et la France comme la bonne grand-mère qu'on vénère et qu'on respecte. J'ai pensé, M. le Maréchal, que cela vous serait agréable d'être mis au courant de tous ces faits.

La Société Historique de la Louisiane s'est fait l'honneur de vous élire Membre Honoraire; notre président, M. Gaspar Cusachs, aura le très grand plaisir de vous remettre, au nom de cette Société, le certificat de votre élection et aussi quelques exemplaires de notre revue qui contiennent les comptes rendus de fêtes au caractère français. Le tout est relié en un petit volume que vous pourrez conserver avec le certificat en souvenir de nous.

Nous vous offrons aussi nos vœux les plus sincères pour vous même, pour les vôtres, pour votre pays qui continuera, nous en sommes sûrs, sa marche ininterrompue vers la Gloire et l'Immortalité.

VIVE LA FRANCE.

Bussièr Rouen,

Vice Président de la Société Historique de la Louisiane.

Président de l'Athénée Louisianais.

LOUISIANA HISTORICAL SOCIETY

Report of W. O. Hart, Treasurer, for 1921.

Receipts

Balance cash on hand, January 1, 1921.....	\$ 263.77
Deposits in January, 1921.....	37.85
“ “ February, 1921	20.00
“ “ March, 1921	438.00
“ “ April, 1921	271.50
“ “ May, 1921	130.85
“ “ June, 1921	35.90
“ “ July, 1921	74.77
“ “ August, 1921	29.95
“ “ September, 1921	43.85
“ “ October, 1921	23.95
“ “ November, 1921	16.00
“ “ December, 1921	163.90
Total Receipts.....	<u>\$1,550.29</u>

Disbursements

Checks paid out in January, 1921.....	\$128.59
“ “ “ “ February, 1921	167.91
“ “ “ “ March, 1921	105.77
“ “ “ “ April, 1921	92.64
“ “ “ “ May, 1921	27.19
“ “ “ “ June, 1921	65.16
“ “ “ “ July, 1921	23.99
“ “ “ “ September, 1921	19.53
“ “ “ “ October, 1921	53.02
“ “ “ “ November, 1921	82.99
“ “ “ “ December, 1921	136.08
	<u>\$904.87</u>
	\$ 904.87
Balance in Bank, Dec. 30, 1921.....	<u>\$ 645.42</u>

RECORDS OF THE SUPERIOR COUNCIL
OF LOUISIANA

XV.

(Continued from January)

April 11, 1731. **Copy of Papers Furnished** Sheriff Dargaray, on
1p. No. 31⁶⁶. motion of Sieur Michel, delivers copy of certain
See 31⁵⁴. "annexed" papers (not here occurrent) to
Councillor D'Auseville.

April 11, 1731. **Petition of Recovery.** Jacques LeMaire claims
1p. No. 31⁶⁷. 144 francs of one Bobson, below, edge-tool
See 31⁸²¹. maker, for goods delivered.
Action allowed.

April 11, 1731. **Petition of Recovery.** François Marain (signed
1p. No. 31⁶⁸. Marin), claims 81 francs of Mr. de Tronquily
See 31⁷⁸⁹. (name usually occurs Tronquidy), due on his
note of July 10, 1730.
Action allowed.

April 12, 1731. **Petition of Recovery.** Jacques Judice reports
1p. No. 31⁶⁹. that François L'Archevesque refuses to comply
See 31⁶⁰, 31⁷⁸⁵, with the arbitration sentence which recom-
31⁸²⁸. mends that F. L. pay J. J. 174 francs and 17
sous. Let F. L. be cited.
Action allowed.

April 13, 1731. **Petition of Recovery.** (Seesaw litigation resumed).
2pp. Antoine Aufrère, attorney for Surgeon Antoine
No. 31⁷⁰. Meuillion, remonstrated that Mr. La Garde re-
fuses to pay the sum of 1400 francs as awarded
See 30¹⁸³, by arbitrators Rossard and Raguet in favor of
30¹⁸⁰. the surgeon. Let Mr. DuBuisson be cited.

Approved and notice served at his plantation,
30 leagues from town, May 8, 1731. Messrs.
DuBuisson and La Garde quibble it unlawful
for them to pay said sum, as they would thereby
violate a ruling which nonsuited the surgeon
of his salary claim. In a word they sit as Quash
Court on the defective laws administered by
Council.

April 17, 1731. **Petition of Recovery.** Robert Servais claims 190
1p. No. 31⁷¹. francs from estate of Sieur Bourbeau, due on a
note.
Notice served to Mr. Rossard, attorney.

April 17, 1731. **Petition of Recovery.** Louis Dussé calls for a receipt for 12 barrels of rice which Jacques Judix took in charge, whereas J. J.'s partner ignores the transaction. Let J. J. also return the "loan" of 14 days' labor.
Action allowed.

April 19, 1731. **Remonstrance.** (When Greek meets Greek). Dame Phelipeaux, spouse of Sieur Michel, owns a negress named Angélique, belonging to Madame and her "children of the first bed." It was proposed to sell Angélique to Councillor D'Auseville, but the sale would take effect on the day of Mr. M.'s departure (for France). If he did not go, no sale. Councillor D'A. holds a partial payment (338 francs), pledge for valid contract. Madame signed no receipt, and her husband has no voice in the matter without Madame's assent, which is not given. Void the bargain.

No note by Court.

Signed: Louise Phelipeaux, femme Michel.

April 20, 1731. **Petition of Recovery.** Guillaume Bousquerad claims 100 francs of Sieur Beauprè, due on his note.

Action allowed.

April 20, 1731. **Petition to Appoint Guardians.** François Antoine Dameron moves for the election of a guardian and surrogate guardian for his two minor daughters.

Signed: Prat.

April 20, 1731. **Guardians Appointed.** François Antoine Dameron, apothecary, reports the formalities by which he is elected guardian of his minor daughters, Marie Louise, Catherine and Marie Françoise Dameron; and Mr. Gerard Pellerin, Company storekeeper, is elected surrogate guardian. Deceased mother's name was Anne Catherine Duchemin.

Court confirms the said appointments.

April 20, 1731. **Remonstrance.** Sieur Michel submits a respectful tabulation, in parallel columns, of his answers to Councillor D'Auseville's claims in the pending suit. For one thing, all the Councillor's case falls by Madame refusing to sell her own property, not her husband's. She surmised the partial payment a trap for her husband, and held aloof from signing. Neither was the con-

dition about sailing day cancelled, simply because M. did not sail in spring, as proposed. Let Mr. D'A. furnish duplicate of sale contract, and annul the bargain.

No note by Court.

April 21, 1731. **Decisions in Sundry Suits.**

2pp.

No. 31⁷⁸.

See 31⁶⁴, 31⁷⁷.

31⁶⁹.

31⁶⁸.

31⁶⁸.

1. Durivage *vs.* Rossard. Referred elsewhere.

2. Durivage *vs.* Bousquerat. D. nonsuited.

3. Michel *vs.* D'Auseville. Utterly torn.

4. Baudmont *vs.* Contois. For plaintiff.

5. Judice *vs.* L'Archevesque. Adjourned.

6. Judice *vs.* L'Archevesque. Adjourned.

7. Blanpain *vs.* Durivage. For B.

8. D'Auseville *vs.* Judice. For D'A.

9. Marin *vs.* Tronquidy. For M.

April 22, 1721. **Petition of Recovery.** Jean Rebout claims an account of 3381 francs from Arnaud Bonnaud,

1p.

No. A31

according to statement regulated by A. B. himself on date of Nov. 4, 1729.

Action allowed: D'Auseville.

Notice served to A. B.

April 22, 1731. **Petition of Recovery.** De Morand claims 1600 francs from Voisin, due on a horse.

1p. No. 31⁷⁹.

See 31⁸²⁴.

Action allowed.

Ragged.

April 23, 1731. **Petition of Recovery.** Henry Otion claims 120 francs from Sieur Roman. H. O. advanced the like sum at Bayagoulas land grant for gun repairs.

1p. No. 31⁸⁰.

See 31⁸²⁶.

Action allowed.

April 27, 1731. **Report of Supposed Fugitive.** DuBuisson Grant. 1p.

No. 31⁸¹.

See 31⁹⁴.

On information by Jean LeBlanc that his roommate Jean Fradin had not appeared, last night, a search was instituted, and from the absence of a small dugout at the landing it has been construed that J. F. ran away from the grant. His trunk was accordingly opened, showing no contents but an empty bottle and a tin funnel.

April 28, 1731. **Decisions in Sundry Suits.**

1p.

No. 31⁸².

1. Jacques LeMaire *vs.* "Bradeson." For J. L.

2. Bousquerat *vs.* Beaupré. Adjourned.

3. De Morand *vs.* Attorney General. DeM. nonsuited.

See 31⁶⁷, 31⁷⁴.

31⁷⁹.

31⁸⁰.

31⁶².

31⁶⁹.

31⁷².

4. De Morand *vs.* Voisin. V. to pay 1500 francs.

5. Jean Reboul *vs.* Bonnaud. For J. R.

6. Henry Otion *vs.* Roman. Deferred.

7. Alexandre *vs.* Rossard. Resolved by scrawl.

8. Judice *vs.* Larchevesque. Arbitration sustained.

9. Dussé *vs.* Judice. D. nonsuited.

April 28, 1731.

5pp.

No. 31⁸³.

See 31⁷⁶.

Inventory of Property. Household goods, house, lot and appurtenances, and slaves belonging to the late Madame Dameron. Memoranda at close show that the outstanding credit amounts to about 4000 francs; and that (Madame's) debt to the Company was from 10,000 to 12,000 francs.

Exact account will be rendered.

May 17, 1731.

1p. No. 31⁸⁴.

See 31⁵⁶.

31⁶¹.

Summons to Obey Sentence. Sheriff Dargaray notifies Sieur Durivage that unless he satisfies the ruling of April 7, which sentenced him to pay Mr. Rossard the sum of 256 francs, he will be constrained by fit and reasonable measures.

June 9, 14, 1731.

No. 0²⁵.

Superior Council. Regulations governing jailer's care of prisoners.

June 10, 1731.

Aux Kas.

2pp. No. 31⁸⁵.

See 30¹⁰⁶,

28⁶⁶.

Letter of Place to Rossard. P. sends will, inventory and statement of account prepared by late Mr. Dutisne. Writer has asked Mr. Fleuriau to relieve him from office, that he may look after urgent business in France. Mr. St. Ange declines to allow P. to go down to N. O.

June 10, 1731.

Fort Chartres.

3pp.

No. 31⁸⁶.

See 31⁸⁸, 31⁸⁷,

31⁹³.

Letter of Terrisse de Ternan to Rossard. Friendly reproaches on account of correspondent's silence. Remarks on private marriage of younger Dutisné to widow of late Girardot: *pace* RR. Fathers S. J. Congratulations on success of the French arms in all the Colony.

June 13, 1731.

3pp.

No. 31⁸⁷.

See 31⁸⁶, 31⁸⁸,

31⁹³.

Extracts from Correspondence. Terrisse de Ternan exhibits passages from letters of Mr. Rossard to T. de T. Earliest date, June 15, 1729; latest date, June 13, 1731. References to receipts of hams, onions, flour, beaver skins, tobacco. Some of the flour was poor and hard to market. There was also a lot of spoiled beaver skins.

Worn and faded.

June 13, 1731. **Memorandum of Account.** Mr. Rossard's account with Terrisse de Ternan. R.'s debit, 2pp.
No. 31⁸⁸. total 2375 francs, 18 sous, R.'s credit, total 762
See 31⁸⁷. francs, 18 sous. R.'s balance debit 1613 francs.

Further items credit reduced the first balance debit to 1470 francs.
Edges worn.

July 14, 1731. **Remonstrance.** Councillor Macmahon, Director for the Company of the Indies, requests erasure from Court Records of certain offensive protests by Councillor D'Auseville; especially on occasion of Mr. Macmahon's reception to the Council as First Councillor; and forbid Mr. D'A. to give offence in future.

See 30²⁴⁶,
30^{192a}.

To be entered for due consideration at next session.—Bruslé.

July 18, 1731. **Receipt.** Mr. Rossard has received of Sieur Faure the sum of 610 francs; to-wit, 580 francs due on Slip.
No. 31⁹⁰. auction of a house, once property of the Roger estate, and 30 francs for expenses.

July 25, 1731. **School Situation Reviewed.** R. P. Raphael found no school when he arrived, but immediately perceived the need of one, and set about supplying it. Mr. Langlois, two years later had a house for sale, conveniently to the purpose.

3pp.
No. 31⁹¹.
(First card).

See 31⁵⁸.

School Debt in
Process of
Discussion.
(Second card).

Company directors were disposed to shift costs on the settlers. (Company's answer dated October 27, 1727). R. P. R. will not argue the point between Company and settlers at all events, he bought the house as ready and willing agent in a cause viewed by all civilized nations of all times as fundamental to every other institution. The late Mr. Delachaise also agreed that R. P. R.'s purchase (representing 3000 francs), should be deducted from the Capuchin Fathers' debt to the Company. Why then, in response to suit of Mr. Langlois, sentence R. P. R. to finish paying for the house which he secured only as agent? The cost was bound to be met whether R. P. R. assumed it or not; he begs to be justly discharged. Even in a religious light, the Company is concerned, having contracted with the King to make necessary outlays for the establishment of religion.

Messrs. Bruslé and Bru, to whom the document is addressed refer the issue to Council.
(August 1, 1731.)

Partly torn.

- July 29, 1731. **Receipt.** Undersigned Duran has received 200 francs from Mr. de Marsilly, in return for like sum tendered by D. to Mademoiselle Trépanier.
Slip.
No. 31⁹².
- Sept. 10, 1731. **Letter of Terrisse de Ternan to Rossard.** Very glad for R.'s long and agreeable letter by way of Mr. St. Ange. Prosperity to R.'s congenial marriage. Sorry for the poor bargain in flour. Great stir prevails by reason of some Chicachas envoys, now booked for "below" (or lower sites). These rascals are always working to gain Indian tribes to the English, and away from the French.
Fort Chartres.
3pp.
No. 31⁹³.
See 31⁸⁶,
31⁸⁷.
- Oct. 3, 1731. **Report on Fugitive Slave.** Jean Fradin has fled for the second time. The other time he was sent back by M. Perier. Jean F. was hired for three years dating from December 10, 1729 as bricklayer, tiler and roofer, but proved infirm and lazy. These four months past he complained of diarrhoeas, which he aggravated by eating too much fish, green corn, fruit and dairy food. He seems to have run away this time because warned that unless he worked as he ought, he should have only 1½ lbs. of bread a day, instead of usual allowance of 3 lbs.
2pp.
No. 31⁹⁴.
See 31⁸¹.
Signed: Cave, Caston, Caron, Dareton, Deche, DuBuisson.
Well written.
- Oct. 7, 1731. **Inventory of LeMesle Effects.** LeMesle, Company's employe, died in the house of Piquery, baker. Items of clothing, and business papers; other sundries, including a boat.
5:30 a. m.
3pp.
No. 31⁹⁵.
- Oct. 9, 1731. **Petition of Recovery.** Joseph Blanpain claims 481 francs from de Nolan estate, due on a note of October 8, 1720, transferred to J. B. by Sieur Roger.
1p.
No. 31⁹⁶.
Notice to Mr. Rossard, attorney.
- Oct. 9, 1731. **Petition of Recovery.** Joseph Blanpain claims 461 francs from estate of late Mesplet, due on notes.
1p.
No. 31⁹⁷.
Notice to Mr. Rossard, attorney.

- Oct. 9, 1731. **Petition for Completion of House.** Jean Pinet, 1p.
No. 31⁹⁸. gunsmith, contracted with Jacques Larchevesque for a house which J. L. was to build within six months from date of bargain, July 29, 1730, for 1200 francs. J. L. has not fulfilled his agreement: let him be cited.
Terms provided also for bricks and a brick chimney, to be furnished by builder.
Action allowed.
- Oct. 13, 1731. **Report of Assault.** Mr. De Morand, resident at 4 p. m.
2pp.
No. 31⁹⁹. lodges complaint against Sieur Boissière, who came blustering and threatening to the intent that plaintiff had killed a pig of the defendant's. DeM. sought to reason with the blusterer, but in vain; the latter then adding that he had just killed one of De M.'s negroes. The negro was wounded, but not killed. De M. calls for imposition of fine and damages.
Action allowed in the way of formal inquiry. Salmon. His first signature thus far brought to light in these findings.
Duplicated in Rossard script.
- Oct. 30, 1731. **Court Summons.** Sheriff Dargaray notifies parties Beaucourt and Aubruy to appear today at 1p.
No. 31¹⁰⁰. 2 p. m. and give evidence in regard to the scandalous abuse and threats offered by Sieur Bossière to Sieur Morand.
See 31⁹⁹, 31¹⁰¹.
- Oct. 31, 1731. **Testimony in Assault Suit.** Estienne Poussard 1p.
31¹⁰¹. alias Beaucourt, mason, aged 32, witnessed shooting of Mr. De Morand's negro by Sieur Boissière.
See 31⁹⁹. Nicolas Aubruy, mason, aged 33, gives like evidence.
- Nov. 8, 1731. **Sale of Real Estate Advertised.** In virtue of Mr. 1p.
No. 31¹⁰². Salmon's ordinance of past Oct. 26, and on motion of Mr. Prévost, attorney for vacant estates, there will be sold at auction on Monday next, Nov. 11, at 8 a. m., a house and lot belonging to Michel estate. Appurtenances include a detached kitchen and a pigeon house.
See 31⁷⁷. Signed: Prévost.
- Nov. 12, 1731. **Inventory of Property.** Movables, real estate, 4pp.
No. 31¹⁰³. slaves, cattle, assets and liabilities, of late Infantry Lieutenant Claude Agnan Guerin de LaBoullaye. Property one league from town.
See A32⁵.

Custodian, widow of deceased, with the consent of Messrs. Trudeau and Dalcour, guardian and surrogate guardian.

- Nov. 15, 1731. **Attachment Proceedings.** Sheriff Dargaray, when refused payment of 56 Spanish dollars owed by Louis Giscard as attorney for Joseph Blanpain to Jacques Le Gauziou, seizes four horses (a stallion and three mares), and other property in behalf of satisfaction. Creditor is master gunner of ship Dromadaire. Goods left in custody of Jacques Dureau, by choice of Giscard.
Crumpled and torn.
- Nov. 16, 1731, **Power of Attorney.** Officer De Vincenne, now in aux Illinois.
1p.
No. 31¹⁰⁴.
See 31¹⁰⁶.
Plurred.
- Nov. 17, 1731. **Petition for Despatch of Colliectiion.** Gunner Le Gouziou is about to start for France and urges prompt sale of the goods attached in his favor.
1p. No. 31¹⁰⁶.
See 31¹⁰⁴.
31¹⁰⁸.
Permitted for tomorrow.
Salmon.
- Nov. 17, 1731. **Inventory of Goods.** On motion of Monsieur de Salmon, First Councillor, commissioner Louis Auguste de La Loire Flaucourt superintends the formalities consequent on decease of Jacques Ouessard, carpenter, who died on board the ship La Gironde. List of articles found in his trunk. A few books were noted: Imitation, St. Paul's Epistles, prayer book. Trunk had been sent to recorder's office.
2pp.
No. 31¹⁰⁷.
See A32.
- Nov. 18, 1731. **Summons in Attachment Proceedings.** Sheriff Dargaray notifies Dureau, custodian of attached property of Blanpain, to see that the same property be conveyed to N. O. to be sold. The rice component is reported as damaged.
1p.
No. 31¹⁰⁸.
See 31¹⁰⁶.
- Nov. 19, 1731. **Report of Robbery.** Philippe François Velart (also written Vellart) who lives on the plantation of Mr. DeBlanc, reports the robbery, from Le Blanc warehouse, of 25 quarters of rice. Deed was trailed by dropped rice to cabins of Mr. Prat's negroes.
2pp.
No. 31¹⁰⁹.
See 31¹¹⁰.

- Nov. 21, 1731. **Petition in Rice Robbery Case.** C  zar DeBlanc
1p. No. 31¹¹⁰. asks for investigation of the facts reported on
See 31¹⁰⁹, 31¹¹². November 19.
Approved: Salmon.
- Nov. 23, 1731. **Petition to Recover Rice.** Jacques Larchevesque
2pp. lodges complaint of damages to his land by
No - 31¹¹¹. Mr. Prat's cattle. Certain viewers have rated
the loss at 30 barrels of rice, which Mr. Prat re-
fuses to pay. Let him be cited.
Action allowed.
- Nov. 26, 1731. **Petition for Investigation of Robbery.** Jacques
1p. Judix reports that when the cabins of Mr.
No. 31¹¹². Prat's negroes were searched, a kettle of the
petitioner's was also discovered in the wrong
place, and he further complains of the loss of a
heifer three weeks later. And since he missed
10 barrels of rice and a lot of sweet oil on the
same day when the kettle disappeared, no
doubt the same parties are concerned in the
common act. Let inquiry be ordered.
Approved.
- Dec. 2, 1731. **Memorandum of Account.** (Mr. Rossard's writ-
Slip. ing): "This note was handed me in payment
No. 31¹¹³. of the four month's rent on the house belonging
to La Croix, by Sieur Thomas de Sersy."
- Dec. 7, 1731. **Inventory of Goods.** Preamble relates incidents
2pp. preceding the death of Sieur Chardon, who had
No. 31¹¹⁴. started from vicinity of Cannes Br  l  es for
medical treatment at N. O.
Nothing but a trunk key found in his pockets.
Attending negroes declare that he left about 25
barrels of rice in straw, three little pigs, a slave,
and sundry tools and utensils. Deceased was
granted Christian burial.
- Dec. 10, 1731. **Petition to Withdraw Deposit.** Sieur De La
1p. Garde and the late Mr. DuBuisson had con-
No. 31¹¹⁵. tracted an obligation in France, and for lack of
money order facilities, they deposited 2000
francs with Mr. Rossard by way of security.
Now that commercial paper is about to depre-
ciate, Mr. De La Garde begs to withdraw the
said deposite: purely voluntary in the premises.
No note by Court.

- Dec. 13, 1731. **Kolly Estate Account.** Mr. Rossard's statement of his receipts and outlays in account with said estate.
 9pp. No. 31¹²⁵.
 See 30².
 31¹²⁶.
 Mr. R. Dr., total 26857 francs, 5 sous.
 Mr. R. Cr., total 21992 francs, 13 sous.
 One of the credit entries is dated January 26, 1732.
 References to Ursulines in credit pages.
- Dec. 14, 1731. **Inventory of Goods.** Personal effects of the late Charles Claude Nolin Dutour.
 2pp. No. 31¹¹⁶.
 Possibly incomplete, as there is no formal conclusion, and no signature.
- Dec. 17, 1731. **Seals Placed.** On property left by the late Jean Nantier, master joiner, who lived in Bourbon street. Goods included household furniture, tools, lumber (walnut, cedar, cypress), and some poultry.
 4pp. No. 31¹¹⁷.
 See 31¹¹⁸.
- Dec. 30, 1731. **Guardians Appointed.** Jacque Dupré, guardian, and Sieur Dessalles, surrogate guardian, for Estienne Nantier, aged 10 years, son of the late Jean Nantier. Proceedings, conducted before First Councillor Edmé Gratien Salmon, advocate in Parliament, commissioner of the Navy, Provincial Administrator.
 1p. No. 31¹¹⁸.
 See 31¹¹⁷.
 31¹¹⁹.
 In later document, A34⁹, Councillor's name occurs as Edmé Gatien, not Gratien.
- Dec. 21, 1731. **Inventory of Property.** Belonging to the late Jean Nantier. Business papers included.
 5pp. No. 31¹¹⁹.
 See 31¹¹⁸.
 Scrawled and faded.
- Dec. 22, 1731. **Inventory of Property.** Movables and real estate belonging to the late Claude Dumouchel de Villainville. Official and business papers included.
 7pp. No. 31¹²⁰.
 See A34.
 Duplicated.
- Dec. 26, 1731. **Inventory.** Formless document, no "head or tail," save date, and no name of owner or custodian.
 1p. No. 31¹²¹.
 Miscellany of old clothes, two padlocks, household utensils, three little pigs and a slave aged about 25 years.
- Dec. 29, 1731. **Petition to Sell Vacant Property.** Mr. Rossard, recorder, asks leave to sell goods left by late Claude Nolin Dutour, LeMesle, Chardon, and Jacques Ouesart.
 1p. No. 31¹²².

Approved, with observance of the usual forms.

Salmon.

Dec. 29, 1731. **Report of Assault.** Cézar DeBlanc lodges complaint against Sieur Bellair, whose free negro Thomas violently assaulted one of petitioner's negroes who had been trying to drive the petitioner's cows home, from straying with Bellair's cattle. Thomas also shot and grievously wounded the said slave in the left eye.
1p.
No. 31¹²³.

(After)
Dec. 31, 1731. **Remonstrance.** Jacques Judice married widow of late Louis Rousseau who perished in Natchez massacre. Nicolas Judice is married to a daughter of L. R.
1p.
No. 31¹²⁴.

Nicolas claims an undue share in the extricable property, thinks Jacques (rather he seems to ruminate as much in garbled obscurity of thought and language). Let full allowance be first made in form of estate's discharge from Company's claims.

No note by Court.

Dec. 31, 1731. **Kolly Memorandum.** Apparently a second edition of Mr. Rossard's account? The present statement shows Mr. R.'s list of Dr. items, but no total; Cr., 29472 francs. Credit side is prefaced with the information that Mr. R. is now succeeded by Mr. Raguét, attorney for Dame Kolly.
3pp.
No. 31¹²⁶.
See 31¹²⁵.

Jan. 17, 1732. **Sale of Goods** at public auction by Rossard. Total proceeds 60 francs, 10 sous. See 31¹⁰⁷.
A. 32. 1p.

Feb. 1, 1732. **De Bat Gives Receipt** to Mr. de Lassus for masonry work on Brick chimneys, and for supplies of iron, 300 francs in full discharge.
Slip.
A32¹.

Feb. 15, 1732. **Statement of Mortality in Cattle** since Mr. de Marsili has held joint possession with his wife, dating from July, 1726. Losses due to natural death, dogs, goring and exchange. No total affixed. Attested by Jean Labro.
1p.
A32².

June 7, 1732. **Before Notary Royal.** Sr. Jacques de la Chaise cedes and transfers to Sr. Jean Batiste de Chamande four arpents of land fronting on the Mississippi, between land of Sr. Blondin and
(5729.)

Sr. de Chavannes, in exchange for two lots purchased from Sr. Raguet.

Document covers 1 page, edges ragged.

Signed: "De Chavannes", "Delachaise", "Henry", "Dargaray," "Rossard."

No date. (1732) **Rousseau Reminds Council** that his claim of 386 L. against Mesplet estate is still unpaid, though 30¹⁴².

two years have elapsed since proceedings against said estate and judgment rendered in favor of plaintiff. Unfinished document.

May 15, 1733. **Letter on Recovery of Debt.** One Arbaud advises Messrs. Bru and St. Martin to pursue parties Outelas and Marein, if one or both reach N. O. from Illinois, for payment of notes. If neither party turns up, attach peltries of their mark and sell same, remitting proceeds by draft. Also please forward my letters for petitioner by way of France. He gives address: Provence, Arbaud the American, Rue D'Aubette, Manosque.

Montreal, Aug. 24, 1733. **Powers of Attorney.** Jean Baptiste Hervieux, tradesman, to Francois Gallot, secretary of Monsieur de Bienville, for collecting accounts in Illinois, Mississippi, Louisiana and elsewhere dependantly.

N. O., July 16, 1733. **Francois Gallot**, as aforesaid, to Louis Turpin, settler in Illinois, for same purpose; that is, collection of Hervieux's dues in Illinois.

Sept. 9, 1733. **Superior Council.** Restricting sales of real estate without license and sufficient advertisement.

Oct. 1, 1733. **Emancipation Paper.** Undersigned Bienville has freed one Jorge and Marie his wife, negress, in recognition of their good and faithful service to the same Bienville during 26 years.

June 4, 1735. Aforesaid Marie leaves the paper to be filed with Council's minutes, in order that copies may be furnished to parties concerned.

No date. **Court Hearings.** No date. Signed Salmon. Sundry suits of claims. Incidental date December 22, 1733.

- Jan. 17, 1734. **Slaves Hired.** Marianne Drilland, authorized by her trustee Mr. Mathurin Dreux, has hired to Sieur Moreau a negro and an Indian maid for the sum of 150 francs, payable in two quarterly instalments. If first instalment be not paid, slaves may be withdrawn.
No.
1p.
A35².
- Jan. 29, 1734. **Power of Attorney.** Before Notary Jerome, Illinois. Filed at N. O., September 20, 1734.
2pp.
A34²³.
Grand Vicar R. P. Jean Piere Mercier, on behalf of himself and priests of his community, to Sieur Bartelemy Bimont, for collecting the Mission dues from Company of the Indies. (Attested by D'Artaguiette, Feb. 26, 1734.)
July 2, 1737. B. B. has received of Mr. Dumanoir's, company agent, 11861 francs, in full discharge of Mission accounts. Notation.
- Jan. 27, 1734. **Petition to Superior Council** by Jean Baptiste (4998) Mousbare for execution of will of William Duchemin, employed at the hospital at the time of his decease. This will is in favor of Mousbare's son, aged four years, the deceased having no forced heirs. Signed: "Mousbare."
- Jan. 29, 1734. **Petition to Sell Real Estate.** Alexis Conard alias (1p. A35³. La Forest (signed Gille Alexis Connars) asks leave to sell a lot and cabin in Bourbon St. Approved under usual forms: Salmon.
- Jan. 30, 1734. **Sale of Negroes.** M. de Mondreloie acting for (5041) Mme. de Mezieres, residing at Mobile, about (1566) to leave for France, sells two negroes to Sr. Gerard Pellerin. Signed: by Pellerin, De Mondreloie, J. B. Faucon Dumanoir, Henry Raguet, Rossard, notary, Dargaray.
- Feb. 1, 1734. **Sale of Four Lots** situated on Bourbon Street by (5002) Guillaume Bousiqueval, so-called Sans Facon, to Durcy. Signed: "Durcy", "Henry," "Dargaray", "Rossard."
2pp.
(1546)
June 1, 1734. Acknowledgment by Bousiqueval of having received the sum of thirteen hundred livres in payment of above sale. Signed: "Henry", "Hugault", "Rossard", Signature of Bousiqueval torn away.
Document water stained, worm eaten, torn edges and lower part missing.

Feb. 6, 1734.
No.
2pp.
A34.

Petition for Discharge as Executor. Captain de Gauvrit undertook to serve as temporary executor for the late Du Mouchel de Villainville, pending notice to parties in France. Nobody will respond from that quarter, and the petitioner would have the business committed to attorney for vacant estates.

See 31¹²⁰.

Approved (Salmon), and notice served to Attorney Prévost.
Torn.

Feb. 9, 1734.
(5006)
(1547)
1p.

Sale for Mme de Mezieres. Mr. de Mondreloy, Lieutenant of Infantry, acting for Madame la Marquise de Meziere, who is about to leave for France, has sold and transferred to Jacques Paillat, resident of Pointe Coupee, an Indian slave owned by Madame de Meziere, named Jacob, in the presence of Nicolas Henry and Pierre Dargaray. Signed: "De Mondreloie", "Henry", "J. Paillat", "Dargaray", "Rossard", notary.

Document worm eaten to such an extent that the beginning of four lines are decipherable only by one or two letters at the beginning or end of words.

Feb. 18, 1734.
(5007)
(1548)
2pp.

Certified Copy of Notes, under private seal for payment of lot at Bayou St. John, ceded by Jean Brunet, so-called Bourbonnois, to Louis Turpin and certification of sale made by Jean Olivier to Louis Turpin of a lot owned by him, adjacent to that of Jean Brunet, which were paid in full at Kaskaskias in 1731. Signed by Olivier, Bellecou; Jerome, clerk of the Registry certifies the copies of the originals which are in the Illinois registry.

Dartaguette certifies that Jerome is clerk and notary.

The two last certificates dated Feb. 18, 1734.
Document badly worm eaten.

Feb. 27, 1734.
No.
1p.
D34.

Copy of Letter of Sieur Bizoton to Sieur Rocquiny, steward of King's plantation, requesting Mr. R. to send two likely young negroes with their clothing.

Memorandum by Mr. R. stating that he sent negroes named Mary and Baccao.

Prefix D paper in box for 1740-1743.

Feb. 28, 1734. **Sale of Real Estate.** Gille Alexis Connard alias
No. 1p. La Forest conveys to Marin Le Normand lot
A35⁴, A35³. No. 313 with a shanty and appurtenances, for
180 francs cash.

March 13, 1734. **Sale of Real Estate Advertised.** The public is
No. 1p. notified of the sale proposed by Dame Riffaut.
A35⁸, A35, Opposition, if any, must be entered pending the
A35⁷. announcements. Notice repeated on March
19 and March 20. Dargaray.

March 10, 1734. **Petition to Sell House.** Madame Riffaud asks
No. 1p. leave to sell her house, before sailing for France
A35⁷, A35, to join her husband. She owes nothing to the
A35⁸. Company. Faded.
Approved, after usual advertisements. Salmon.

March 9, 1734. **In the King's Name,** Salmon promises to pay to
(7961) Sr. Juchereau de St. Denis, Commandant at
(2005) Nachitoches, the expense of fencing in a certain
area. Signed by Salmon, St. Denis, Genne,
Rossard, Bizoton and Dargaray.

March 24, 1734. **Auction Sale of Plantation** belonging to succes-
(26604) sion of deceased Sr. de Vilainville, finally, ad-
judicated to Sr. Dhauterive for four hundred
louis. Signed: By the Council. Rossard.

Six arpents ceded to Sr. Barbin for account
Broutin, June 7, 1745, by act passed before
(Sheriff).

On back of document:

Paper concerning land I bought from M.
Dhauterive, 10½ arpents, October, 1737. Signed
Broutin.

March 26, 1734. **Petition to Rectify Ditch.** The Ursuline ladies
No. move for action against Mr. St. Martin, whose
2pp. drainage ditch causes an overflow on their
A34¹. land. Approved and notice served.

March 27th, 1734. Council refers the case to
Messrs. Trudeau and Dreux, who shall visit the
premises and report for subsequent procedure.
Torn.

April 22, 1734. **Acknowledgment of Debt.** Joseph Du Breuil
No. owes Thos. Loyson de la Rondiniere, captain
2pp. of Ship La Marguerite, 5160 francs for
A34². merchandise of cargo.

Feb. 20, 1735. Receipted by Guillaume de la
Pommerraie, attorney for Thomas Loyson.

- April 22, 1734. **Ignace Broutin**, engineer of the King, admits that he owes Sr. Thomas Loison de LaRondimire the sum of five thousand one hundred and sixty livres, two sous and nine d. which he promises to pay de La Rondimire's son on the return of the boat. Sr. Joseph Dubreuil de Villars gives bond for Broutin. Signed by Broutin, Henry, Du Breuil, J. Loyson, Rondimire, Dargaray and Rossard, notary.
(5050)
(1570)
- April 27, 1734. Receipt from Loyson de Rondimire for above mentioned sum paid to him on above date. Signed: "T. Loyson de Rondimire", "Henry", "Dargaray", "Rossard."
- April 22, 1734. **Clement Bailleut** acknowledges having received from Jacques Roman the sum of 500 L. which sum he promises to pay on his return from France. Signed by Bailleul, Henry, Dargaray and Rossard, notary.
(5049)
(1569)
- April 24, 1734. **Last Will of Sr. Dominique Douat de Sanson.** Signed by D. Douat de Sanson, Lavergne, Calimache, D. E. Troyer, Rossard, notary. 2pp.
(5052)
(1571)
- April 25, 1734. **Monsieur Francois de Vinsenne**, officer and Commandant at Ouabache, before notary and witnesses, grants power of attorney to Mr. Rossard to collect all that is due to said Vinsenne by the King. Signed: "Tonty", "Vinsenne", Bellerive", "Jerome," notary.
(5054)
(1572)
- April 27, 1734. **Act Passed Before Nicolas Henry**, assistant clerk of council and Francois Gautreau, his employe, of power of attorney being granted by Louis Joseph Bizoton, comptroller of the Marine, to Miss Elizabeth Bizoton de la Jonchere, residing at the crossing of St. Benoit, Faubourt St. Germain, to collect any debts that may be due to him in France. Signed: "Bizoton", "Henry", "Rossard", "Dargaray."
(5056)
(1573)
- April 27, 1734. **Power of Attorney** granted to Sr. Mondreloy, an officer, by Dame Eleonore d'Oglethorpe, marquise de Mezieres. Signed by Eleonore D'Oglethorpe, Peiren, Demorat, Fargue, Bon-temps, Perret.
(5043)
- April 27, 1734. **Homologation of Power of Attorney** granted by the Marquise de Mezieres to Sr. de Mondreloy. Signed by de Monfrelolie, Dargaray, Henry and Rossard, notary.
(5045)

April 28, 1734. **Receipt** tendered by Louise Jousset de la Loire, wife of Chevalier Pierre de Manade, chief surgeon of the King in Louisiana, to said Pierre de Manade for nine thousand two hundred livres remitted to her. Signed: "Louise Manade", "Dargaray", "Perry", "Rossard", notary.
1p.
(5044)

April 29, 1734. **Jean Baptiste Le Page**, about to leave for France, before notary royal grants power of attorney to Sr. Lemarie, authorizing him to transact business for him in this colony during his absence. Signed by Le Page, Henry, Rossard and Dargaray.
(5059)
(1576)

April 29, 1734. **Power of Attorney** granted by Marchand Bonnetterre in Paris to Jean Baptiste Prévost. Signed by Perry, Gautreau and Rossard.
(5060)
(1577)

May 2, 1734. **Petition to Sell Property.** Poussine, tailor, being about to sail by the ship Bordelais, asks leave to sell a house and lot in Bourbon street.
No. 1p.
A34³
See A34⁴,
A34¹².
Approved: Salmon.
Faded.

May 9, 1734. **Sale Advertised.** The public is notified of the prospective sale of a house and lot by the tailor, Poussine. Any contrary exceptions must be declared pending the usual announcements.
No. 1p.
A34³, A34⁴,
A34⁵.
Dargaray.
Notice repeated on May 16 and May 23.

May 20, 1734. **Copy of Court Order.** (In box for 1740-1743). Judge Salmon instructs Mr. Pellerin, general storekeeper, to deliver 1640 deerskins weighing 1629 lbs. whereof 489 lbs. are damaged, to Mr. La Combe for the sum of 2036 francs and 5 sous, which Mr. Bizoton will pay treasurer on behalf of La C.
No.
1p.
D34¹.

Mr. P. will be discharged on producing treasurer's receipt. Memorandum by Judge Salmon stating that this sum has not been paid by either LaCombe or Bizoton.

Skins came from Choctaw trade.

May 23, 1734. **Petition for Dispatch of Contract.** Since undersigned Herpin is paid what was due him by Sieur Poussine, Mr. Rossard is requested to pass the contract in question, and thereby oblige his humble servant.
No. Slip.
A34⁵.
See A34⁴.

- Aug. 10, 1734. **Renunciation of Property Rights.** Madame Louise Balmes, widow of late Joseph Lazon, returned to France, but has now come back to the Colony on news of her husband's decease, that she might settle her estate claims. All things considered, she foregoes the right to withdraw a house and lot which was sold by Court to Mr. de Bellisk for 1200 francs, and is grateful to accept the bonus of 200 francs which Mr. de Bellisk offers in consequence of her said surrender.
- No. 1p.
A34⁶,
A34¹⁰.
- Aug. 16, 1734. **Power of Attorney.** Messrs. Bru and St. Martin to (name left blank), transferring their authority in the matter of collecting overdue notes from parties Marin (owing 1800 francs) and Outelas (debt of 620 francs).
Signed by Bru and St. Martin in presence of Henry, clerk, and Haugault, sheriff. Rossard, notary.
- No. 2pp.
A34⁷.
See A33.
- Aug. 19, 1734. **Guardians Appointed.** Report of the formalities whereby Madame Marie Elizabeth Lamy, widow of deceased Jean Robert Chiendel de Maisonneuve, surgeon maintained by the King at La Balise, is named surrogate guardian, of a minor daughter and of an expected posthumous child of said surgeon and his said surviving widow. Court approves and confirms the election.
In this document, First Councillor Salmon is styled Edme Gratien, as in 31¹¹⁸.
- No. 2pp4.
A34⁹.
A34⁸.
- Aug. 19, 1734. **Transfer of Claim.** Madame Marie Louise Balmes, widow of late Joseph Lazon, captain of the King's ship L'Aigle Noir (Black Eagle), cedes Sieur Livaudais her title to a certain bounty of 350 francs, allowed by His Majesty to J. L.'s estate in recognition of J. L.'s trip from Vera Cruz. This transfer is on account of J. L.'s debt of 500 piastres to Mr. Livaudais. Signed: Hugault, Henry, Rossard, notary. (Madame does not write).
- No. 1p.
A34¹⁰.
See A34⁶,
A34¹³.
- Aug. 20, 1734. **Sale of Real Estate.** Poussine, tailor, conveys to Jean Louis, settler at N. O., site No. 228 in Bourbon Street, for 250 francs cash.
Edges worn.
- No. 1p.
A34¹².
See A34³.

Aug. 20, 1734. **Slave Deal in Settlement of Estate.** Nicolas Chauvin de Boisclair, Antoine Chauvin Des Islets, and Sieur de la Freniere on behalf of absent Joseph Chauvin Delery, agree to accept from Sieur and Dame Demane, charged with settling Delery estate, five slaves apiece, or total 15 slaves, in discharge of all claims. Consequently Sieur and Dame Demane may stay full proprietors of late Joseph Delery's possessions. Signed: La Freniere, LeBlanc Demane, Chauvin Boisclair, Henry Demane, Hugault, Delery Daziles, Rossard, notary.
Madame LeBlanc Demane was widow of Joseph Delery.

Aug. 22, 1734. **Sale of Slave.** Nicolas Henry, Court Clerk, sells a negro boy named Pierre to Sieur Philippe Renaud, Junior, whose father accepts for him. Terms, 500 francs Tournois, paid cash. 850- named in preceding document.

Aug. 22, 1734. **Purchase of Real Estate.** Marie Balmes, widow of late Joseph Lozon, has received of Jean Baptiste Prévost, attorney for vacant estates, an advance of 850 francs in order to buy a house from Sieur de Grandpre, to whom said sum is paid down. Mortgage security by Madame to J. B. P.

Aug. 22, 1734. **Sale of Real Estate.** Louis Boucher, Esquire, Lord of Grandpre, and Dame Therese Gallard de Chamilly his wife, have conveyed to Marie Louise Balmes, widow of Joseph Lazon, a specified house and appurtenances, for 800 francs in current funds paid cash. (850 - named in preceding document.)

Sept. 3, 1734. **Petition to Sell Real Estate.** Francois Calimache, director of the Dartaguet and Dartagan land grant, had hoped to efface the debts thereof by labor and thrift, but his plans were foiled by hurricanes. Lest his goods be swallowed up in distraint proceedings, he begs leave to sell a certain house and site, in the interest of creditors.

Approved, subject to required forms: Salmon. Sheriff Hugault has advertised the pending sale on three consecutive Sundays at exit from High Mass, and nobody has entered opposition.

- Sept. 4, 1734. **Sale of Real Estate.** Sieur Calimache conveys to
No. 1p. Mr. DuBreuil a given site and appurtenances
A34¹⁷. for 1100 francs; payable in two installments:
See 34¹⁶. 500 francs in one month, 600 francs in three
A34²¹. months. Signed F. Calimache DuBreuil.
- Sept. 4, 1734. **Sale of Real Estate.** Francois Sirvais de Belisle
No. 2pp. conveys to Sieur Pasquier 14 acres of land,
A34¹⁸. fronting on the Mississippi, with appurtenances,
for 800 francs cash.
Torn.
- Sept. 9, 1734. **Power of Attorney.** Brest. Gabriel Poullain and
No. his wife, who is sole heiress of deceased Michel
2pp. and Joseph Lequesselec, Sieurs de Klazion, to
A34¹⁹. R. P. Le Petit, S. J., Superior of Jesuit Mis-
sions in Louisiana, for collecting estate proceeds.
(G. P. is Sieur de Kaustrel).
Stained.
- Sept. 14, 1734. **Sale of Slave.** Rene Francois Demane, Esquire,
No. 1p. and Dame Francoise Laurence LeBlanc, his
A34²⁰. wife, sell a negro boy aged 10 years, to
See A34²². Francois Dieudome Fonder, for 300 francs
cash.
- Sept. 14, 1734. **Sale of Real Estate.** Formal Court report of the
No. 2pp. conveyance noted on a preceding card; save that
A34²¹. in this case the price, 1100 francs, is paid cash.
See A34¹⁷.
- Sept. 17, 1734. **Sale of Slave.** Rene Francois Demane, Esquire,
No. 1p. and Dame Francoise Laurence LeBlanc, his
A34²². wife, sell a negro girl of 12 to 13 years to Phil-
See A34²⁰. bert (Rossard's writing; Philibert) LeDuc, for
350 francs cash.
- Oct. 3, 1734. **Agreement in Estate Affairs.** Francois Colin
No. (also written Collin; he does not sign) and his
1p. wife Marie Therese, widow of late Michel
A34²⁴. Cabassier, on the one side; and on the other
Nicolas Chauvin de la Freniere, attorney for
Pierre Chartier, tradesman at Montreal, agree
that in discharge of said late Cabassier's debt
of 2247 francs to P. C., Colin and his wife
shall cede a certain ground property at N. O.
in full right to P. C. And the title thereto is
accordingly made over to Mr. La F., attorney.

- Oct. 14, 1734. **Acknowledgment of Debt.** Jacques Moreau, locksmith, and his wife Marie Therese Le Grand, widow of late Pierre Drilland, owe 400 francs to Jacques Ozenne and give mortgage security for payment on demand. Money was borrowed to meet medical expenses of Madame Moreau.
No. 1p.
A34²⁵.
Duplicated.
- Oct. 28, 1734. **Sale of Slave.** Charles Bourgeois and his wife Marie Joseph Tara sell a negro named Charles, to Sieur Gratien Bredif (also Briedif), for 500 francs, cash. Provisos for the refunding of said sum, should the Company claim and appropriate the said negro.
No. 1p.
A34²⁶.
- Nov. 5, 1734. **Power of Attorney.** Captain Rene D'Hauterieve to (name left blank,) at La Rochelle, for collecting a tobacco bill from one Bourguine, retailer at La Rochelle.
No. 1p.
A34²⁷.
- Nov. 20, 1734. **Marriage Contract.** Parties: Michel Baux, settler at Pointe Coupee, (signed Bo) and Alexide Mouy, widow of Pierre Maigre, likewise from Pointe Coupee. Briefed: Contract of marriage Michel Bo and Alexy Merey, 20 November, 1734.
No. 3pp.
A34²⁸.
- Dec. 2, 1734. **Sale of Real Estate.** Mr. Antoine Brusle, Company's agent at N. O., conveys to Sieur Nicolas Mathieux of N. O. and to Sieur Lemarie, merchant at Beauvais (Mr. M. accepting for absent Lemarie), three lots in Chartres Street, for 1200 francs, paid cash.
No. 1p4.
A34²⁹.
- Jan. 15, 1735. **Petition to Sell House.** Anne Souillette, wife of absent party Riffaud, asks leave to sell a house that she bought last year from Fabure estate, having made full payment.
1p.
No. A35.
See A35⁷.
Approved under usual forms. Salmon.
- Jan. 16, 1735. **Ship Sale.** Aufrère sells to Antoine Bunel and to Michel Brosses, partners, and outfitters of the vessel St. Anne, his half right in said vessel, which they had bought in common. Terms, 300 quarters of tar and a further lot of pitch. Moreover, there is a jargon of congested verbiage about 2000 francs in the way of cargo loan, offered to A. B. and M. B.
2pp.
No. A35¹.

Feb. 2, 1735.

Mr. Salmon had vetoed said loan, but they agree to stand good for it to Mr. Pommeraye, and give mortgage security, so as in all events to leave Aufrère's credit intact.

Ragged edges; cramped script.

Jan. 17, 1735.

1p.

No. A35².

Slaves Hired. Marianne Drilland, authorized by her trustee, Mr. Mathurin Dreux, has hired to Sieur Moreau a negro and an Indian maid for the sum of 150 francs, payable in two quarterly installments. If first installment be not paid, slaves may be withdrawn.

Jan. 29, 1735.

1p.

No. A35³.

See A35⁴.

Petition to Sell Real Estate. Alexys Connard alias La Forest (signed Gille Alexis Connard), asks leave to sell a lot and cabin in Bourbon street.

Approved under usual forms. Salmon.

Feb. 28, 1735.

1p. No. A35⁴.

See A25³.

Sale of Real Estate. Gille Alexis Connard alias La Forest conveys to Marin Le Normand lot No. 313, with a shanty and appurtenances, for 180 francs cash.

March 8, 1735.

1p.

No. A35⁵.

Receipt and Acknowledgment. Joseph Chauvin Delery and Jacques Hubert alias Bellair, partners, have received of Mr. de La Pommeraye, Colonial Treasurer of the Navy, 1200 francs; a loan authorized by Mr. Salmon for their trade with the Chechachas. They promise to redeem the loan when they return, and offer mortgage security.

March 8, 1735.

1p.

No. A35⁶.

Sale of Real Estate. Jacques Hubert Bellair conveys to Joseph Delery three acres of land on the Mississippi for 200 francs cash.

March 10, 1735.

1p.

No. A35⁷.

See A35.

A35⁸.

Petition to Sell House. Madame Riffaut asks leave to sell her house, before sailing for France to join her husband. She owes nothing to the Company.

Approved after the usual advertisements.

Salmon.

Faded.

March 13, 1735.

1p.

No. A35⁸.

See A35.

A35⁷.

Sale of Real Estate Advertised. The public is notified of the sale proposed by Dame Riffaut. Opposition, if any, must be tended pending the announcements.

Notice repeated on March 19 and March 20. Dargaray.

March 15, 1735. **Petition for Appointment of Guardians.** Surgeon Major Bernard Alexandre Vielle moves for the election of a guardian and surrogate guardian for his minor child.
1p. No. A35⁹.
See A35¹⁰.
Approved: Salmon.

March 15, 1735. **Guardians Appointed.** Surgeon Bernard Alexandre Vielle is appointed guardian of his minor son, and Sieur Jacques Fazende surrogate guardian.
2pp. No. A35¹⁰.
See A35⁹,
A35¹¹.
Court confirms this election.

March 16, 1735. **Inventory of Property.** On motion of Surgeon Major Bernard Alexandre Vielle, apothecary at N. O., and the interest of his minor son, an inventory is drawn up of the possession held by the surgeon and his deceased wife conjointly.
5pp. No. A35¹¹.
See A35¹⁰.
A35¹².
Household goods; two story house in town, 38 feet long by 24 feet wide; family slaves, including a young Indian. There is also a plantation property Aux Chaouachas, eight leagues from town.

March 18, 1735. **Marriage Contract.** Parties: Bernard Alexandre Vielle, Surgeon Major and apothecary, and Damoiselle Marie Anne Trépannier.
3pp. No. A35¹².
See A35¹¹, A35^{12a}.

March 18, 1735. **Clauses of Marriage Contract.** Abstract, in handwriting of Mr. Fleuriou, of property agreements between Surgeon Bernard Alexandre Vielle and Damoiselle Trépannier.
1p. No. A35^{12a}.
See A35¹².

March 18, 1735. **Petition to Sell Real Estate.** Charles Frederig de Merveilleux asks leave to sell a house and site that he acquired from Philidor de St. Hilaire. He expects to sail for France by ship La Char-ente.
1p. No. A35¹³.
Approved under usual forms: Salmon.
Subjoined advertisements dated March 20 and 27, and April 3, 1735.
Hugault.

March 21, 1735. **Sale of Slave.** Councillor Edmé Gatien de Salmon sells a negro maid named Marie, aged about 5½ years, to royal physician Jean Prat, for 450 francs cash.
1p. No. A35¹⁴.

March 21, 1735. **Slave Deal.** Mr. Michel Rossard, as attorney for partners in Ste. Catherine grant, reports a compromise arrangement whereby the plantation surgeon, Jean Baptiste Herault, agrees to accept an Indian slave Janeton and her nursing baby in part payment, 600 francs, on his salary account (1500 francs), of which hard times prevent the cash discharge.

Anyhow, Janeton threatens to run away.

Signatures of Rossard, Herault, J. B. Faucon, Dumanoir, Henry, Hugault.

April 3, 1735. **Petition to Sell Real Estate.** Jacques Fister, Swiss by nation, asks leave to sell a half lot and house.

Approved under usual forms: Salmon.

April 25, 1735. Sheriff Louis Hugault has advertised the sale for three successive Sundays, at exit from High Mass.

No opposition.

April 5, 1735. **Guardian Appointed.** Councillor Raymond Amy-ault D'Auseville is named guardian of the minor daughter of late Jacques Bernard and his wife Renée Salaman.

Document torn.

April 11, 1735. **Inventory of Property.** Plantation called La Nobillière, one league below N. O., estate of late Monsieur Delachaise. List of slaves, cattle, beans (40 barrels of Apalachee beans), corn, sweet potatoes, utensils, buildings and land (30 acres). Proceedings moved by widow, Dame Marie Marguerite Cailly.

(Corn items were 38 barrels on the cob, 60 barrels shelled.)

April 12, 1735. **Power of Attorney.** Francois Chastang, inspector of land grant of Marshal Dasfeld and partners, to (name left blank), for suing Sieur Asselin de Marcel, towards recovery of some Company shares.

April 13, 1735. **Petition to Sell Real Estate.** Ysac Poisat asks leave to sell a lot.

No. A35²⁰.

Approved under usual form: Salmon.

May 2, 1735.

Sale has been advertised and not opposed. Dargaray.

- April 15, 1735. **Resignation from Guardian's Office.** Sieur Gerard Pellerin, royal storekeeper in this Colony, had served as surrogate guardian for the minor daughters of the late Sieur Damaron, guardian while alive. Mr. Pellerin shows that he is legally dispensed, as storekeeper, from serving in the new set of contingencies, and therefore declines nomination, nor will he take part in the proceedings of election. (Text, as it appears to stand, contains a garbled contradiction; he is not in any manner akin to said minor, but only her kinsman!)
- 1p.
No. A35²¹.
- April 16, 1735. **Power of Attorney.** Francois Julien Gallot, Company's employe, to (name left blank), for collection of debts.
- 1p. No. A35²².
See A35²³.
- April 16, 1735. **Power of Attorney.** François Julien Gallot and his wife Demoiselle Anne Genevieve Chataigner Dusaulle, separated from him in regard to goods; to (name left blank), for collecting Madame's inheritance on the side of her mother.
- 1p.
No. A35²³.
See A35²².
- April 16, 1735. **Marriage Contract.** Parties: Louis Joseph Bizoton, controller of navy, N. O., and Demoiselle Magdelaine Roze Malo.
- 3pp.
No. A36²⁴.
- Bienville signature among witnesses.
Registered at N. O., July 7, 1736.
- April 17, 1735. **Power of Attorney.** Dame Marie Anne DuBuisson, widow of late Arnaud Bounaud, to Sieur Prat, royal physician in this Colony, for collecting her debts.
- 1p.
No. A35²⁵.
- N. B. Name Bonnaud distinctly written in body of document; elsewhere, as also hereon the margin, Bonnaud seemed to be prevalent.
- April 23, 1735. **Receipt.** Francois de Chastang, attorney for Pierre Blancher, to Sieur Damien de la Garde de Montaillard, for a draft of 14600 francs. (Rigmarole of transactions rehearsed, if of possible concern to this generation.)
- 1p.
No. A35²⁶.
- April 25, 1735. **Sale of Real Estate.** Jacques Fister conveys to Thomas Guichard a half lot and a house for 170 francs; 117 francs paid cash, and residue 53 francs payable in August next. Mortgage security.
- 1p.
No. A35²⁷.
See A35¹⁶.

April 28, 1735. **Power of Attorney.** Joseph Chaperon and his wife Louise LeCoq to (name left blank), for collecting Madame's inheritance, as vested in her parents' estate.
 No. A35²⁸.
 Quaint signature L L O C Q.

April 29, 1735. **Marriage Contract.** Pierre Gabriel Juzan, Aide Major at Mobile, but now at N. O., and Damoselle Françoise Trudeau.
 3pp. No. A35²⁹.
 Bienville signs as witness.

April 29, 1735. **Lease of Slaves for Tar Industry.** Jean Francois Pasquier leases 15 negroes (names detailed) to Antoine Aufrère for enterprise in tar and pitch, for a term of six months to begin with May 1, 1735, and price of 1125 francs.
 2pp. No. A35³⁰.
 Various accessory provisos.

April 30, 1735. **Marriage Contract.** Leonard Callot, architect, and Damoselle Marie Vatel, widow of late Jean Coupart.
 2pp. No. A35³⁰.

May 4, 1735. **Petition for Approval of Marriage.** Madame Charlotte Bossua, wife of Captain Dauterive, who is absent and in command at Natchez, requests official sanction of the proposed marriage of her daughter, Demoiselle Charlotte Duval, to Sieur Charles Marie Delalande. Referred by Salmon to Attorney General Fleuriau, who assents (May 6, 1735). Council ditto.
 1p. No. A35³¹.
 See A35³².
 Salmon, La Frénière, Fazende, Raguet.

May 7, 1735. **Marriage Contract.** Charles Marie de Lalande (signature Delalande), royal storekeeper at N. O., and Demoiselle Charlotte Duval, minor daughter of late François Debaune Duval and Dame Charlotte Bossua, now Madame Dauterive.
 3pp. No. A35³².
 See A35³¹.
 Bienville signs as witness.

May 25, 1735. **Sale of Slave Advertised.** On motion of the Attorney General, auction of a negro will take place on Sunday next at exit from High Mass. Property of Gaillard Bounet.
 1p. No. A35³³.
 See A35³⁴.
 Advertised by Sheriff Hugault on main church door, on door of Superior Council, and on pillar of the market.

- May 25, 1735. **Summons to Attend Slave Sale.** Sheriff Hugault
1p. notifies one Bourdelas, second mate of "Layon-
No. A35³⁴. nette," now moored at N. O., to be present on
See A35³³. Sunday next at auction of a negro belonging
A35³⁶. to Sieur Gaillard; and he shall invite bidders.
(Gaillard, absent, is owner of said vessel.)
- May 28, 1735. **Slave Deal.** Boisdoré and Guichard swap a negro
1p. Pieron for a negress Therese.
No. A35³⁵. Boisdoré, Rossard, notary.
(Guichard does not write.)
- May 29, 1735. **Sale of Slave.** Court auction of a negro belonging
1p. No. A35³⁶. to Gaillard Bounet to highest bidder, Joseph
See A35³⁴. Meunier, for 610 francs.
- May 31, 1735. **Attached Goods Claimed by the Owner.** Coun-
1p. cillor Nicolas Chauvin de la Frénière and Re-
No. A35³⁷. corder Rossard betake themselves to the sick
bed of Pierre Delissle alias Dupart, who affirms
"on his soul and conscience" that a lot of meat
seized by one Besson, representing 99½ francs,
belongs in full right to Dupart. He supplied
the capital (in goods) for its capture (the meat
was of wild game).
- June 3, 1735. **Flour Contract.** R. P. Boulenger, S. J., buys
1p. what flour may be needed for the King's ware-
No. A35³⁸. houses at Illinois post in course of next year,
1738, at the rate of 10 francs per cwt., of Marine
Commissary Salmon. Mortgage security.
- June 4, 1735. **Petition to Ratify Freedom.** Marie, free negress,
1p. wife of "George," deceased, asks the Councillors
No. A35³⁹. to confirm and approve her freedom, granted
See A33². by Monsieur de Bienville under date of October
1, 1733.
Filed for authoritative action. "Only the
Governor and the acting governor have the
right."
- June 10, 1735. **Criminal Procedure.** Ignace Petit files his pledge
1p. of submission in the criminal prosecution
No. A35⁴⁰. moved against him by Jacques Lorrain and
Elizabeth Lorrain, Jacques' daughter and he
will appear at the appointed hearing, three
months from June 4.

- June 12, 1735. **Ship Sale.** Joseph Agoun Dumaine, proprietor of the vessel *La Guyonnette*, of about 30 tons' burden, sells the same fullrigged and equipped to Mechelf Gerald (probably Michael Fitzgerald), for 1358½ francs cash. Same vessel was sold at auction to J. A. D. on June 8.
2pp.
No. A35⁴¹.
- June 18, 1735. **Summons to Testify.** Sheriff Hugault notifies Messrs. Antoine Brunelle, Judice and Nicolas Christian, to appear before Judge Salmon and give report of what goods they found from wreckage of Spanish vessel (*Kalandra*, sloop) along "our coasts."
1p.
No. A35⁴².
See A35⁴³.
- June 18, 1735. **Court Summons.** Parties Joffre alias *La Liberté*, who lives on other shore of Lake Pontchartrain; *La Combre*, and Chauvin, blacksmith, shall appear on Monday next for testifying concerning what goods they saved from Spanish sloop wrecked on "our coasts." (All three parties live across the lake.)
1p.
No. A35⁴³.
See A35⁴².
A35⁴⁴.
- June 18, 1735. **Testimony on Spanish Wreck.** Disaster occurred about three months ago, vicinity of *Chandeleur Islands*: Lives Lost; some of the goods recovered by divers. Witness Antoine Bunel made four trips to the scene. Money was found in the wreckage. The sloop was about 18 feet long by 7 feet wide. Ample details on the findings.
7pp.
No. A35⁴⁴.
See A35⁴²,
A35⁴³,
A35⁴⁷.
- June 20, 1735, **Marriage Contract.** Guillaume Bousquera, tradesman, native of *Coubisou*, Province of *Rouergue*, Diocese of *Rodez*, and Marie Anne Préau, native of *St. Jean d'Angély*, Diocese of *Xaintes* in *Xaintonge*, and widow of late *Jaquarie Drapeau*.
Fort Condé,
Mobile.
3pp.
No. A35⁴⁵.
N. O., March 3, 1742. Attorney General *Fleuriau* orders execution of donation provisos.
- June 21, 1735. **Foundling Case.** Surgeon *Théodore Baldit* files complaint against *Madame Dupuy Goupillon* for cruelty to her child, a girl baby of about 2½ years. Yesterday the baby was thrust nearly nude into the Surgeon's care, by a negress of *Madame D. G.'s*, with the remark: "There is thy child, sent thee by my mistress." Afterwards *Madame* herself appeared, exhibiting dangerous rage, and threatening vengeance on the baby for the father's account. Let *Madame* be restrained.
2pp.
No. A35⁴⁶.

- June 22, 1735. **Court Summons.** François Gapallière, workman
1p. in the tar pits of Bunel and Co., across the
No. A35⁴⁷. Lake, and his fellow workmen Joseph Gatoir
See A35⁴⁴. and one Perron, are cited to appear and testify
A35⁴⁸. in regard to what goods they saved from
wrecked Spanish sloop.
- June 22, 1735. **Testimony on Spanish Wreck.** Enumeration
4pp. of the corpses (which the finders buried), indigo,
No. A35⁴⁸. dry goods, money, daggers and swords and other
See A35⁴⁷. sundries, noted by the given witnesses. Money
included some round piastres "of the new
coinage."
- June 22, 1735. **Slave Sale.** Judge Edmé Gatien Salmon sells a
1p. slave named Thomas with Rose his wife and her
No. A35⁴⁹. child Guillaume, to Jacques de Livaudis, for
1800 francs, paid cash to the Marine Treasurer.
- June 25, 1735. **Marriage Contract.** Nicolas Godfroy Barbin,
4pp. royal storekeeper at La Balise, and Demoiselle
No. A35⁵⁰. Helene Voisin.
Bienville signs as witness.
August 24, 1744, Nicolas Godfroy Barbin
signs receipt of the dowery mentioned in con-
tract; namely, a certain property site from the
bride's father, Officer Pierre Voisin.
Scorched and blurred.
- June 26, 1735. **Receipt.** Léonard Callot and his wife Marie Vatel,
1p. widow of late Jean Coupart, have received in
No. A35⁵¹. cash from Mr. Lange, attorney for Mr. de
Perier, 115 francs, residue amount on a note of
535 francs issued by Mr. de Perier in favor of
Madame Vatel. Note was lost in transit to
France.
- July 6, 1735. **Marriage Contract.** Estienne de Lalande Dalcour,
6pp. sometimes cashier of the Company of the Indies,
No. A35⁵². widower, now resident on his plantation near
See A35¹⁸. N. O., and Dame Marie Marguerite Cailly,
D4177. widow of late Jacques Delachaise.
Bienville signs as witness.
- July 9, 1735. **Marriage Contract.** Noble Jean De Macarthy,
4pp. Aide Major at N. O., native of Nimes in Langue-
No. A35⁵³. doc, and Dame Françoise Damaron Trépagnier,
widow of late François Damaron, apothecary
at N. O.
Bienville signs as witness.

- July 9, 1735. **Guardian Appointed.** Formalities, largely in the writing of Attorney General Fleuriau, for election of a guardian and surrogate guardian for minor child of late Chapiau, settler at Pointe Coupee.
2pp.
No. A35⁵⁴.
See A35⁶⁶.
Sept. 9, 1735. Court ratifies election of one Anotiau (also written Hanotiau) as guardian, and of Sieur Filossier as surrogate guardian.
- July 10, 1735. **Receipt.** Tixerran has received of Sieur Dulude two notes amounting to 330 francs and 5 sous, due on account of Antoine Carrière to late André Carrière. Tixerran acts as attorney.
1p.
No. A35⁵⁵.
Aux Caskakias, May 25, 1739. Collated with the original by Barrois, notary aux Illinois, and consigned to Sieur La Chapelle on behalf of Dame veuve Antoine Carrière.
Stained and faded.
- July 13, 1735. **Will of Jean Huet alias Dulude.** Native of Canada, now starting for Illinois, and wishing to forstall possible disputes after his death.
4pp.
No. A35⁵⁶.
Leaves his plantation to his friend and neighbor Francois Noyan. Pair of slaves are bequeathed to daughter of Jean Baptiste Barré alias Lyonnais. His direct inheritance is left to Joseph Huet, his brother in Canada. Certain designated slaves to a nephew in Canada.
Witnessed by Tixerrant and Guillon.
- July 15, 1735. **Petition to Ratify Sale of Land.** Sieur Dalcour shows that his wife sold to Lemelle Bellegarde a tract of land whereon a mill had stood but was prostrated by a hurricane. Sale was made in order to reduce levee labors. Let the transaction hitherto private, be formally approved.
1p.
No. A35⁵⁷.
Agreed: Salmon.
- July 16, 1735. **Acknowledgment of Debt.** Daniel La Croix, Illinois trader, owes Mr. Prévost, attorney for vacant estates, 1900 francs for value received in goods. Elaborate provisos in respect to future payment in peltries or in flour.
1p.
No. A35⁵⁸.
See A35⁵⁹.
Mortgage security.
- July 16, 1735. **Acknowledgment of Debt and Receipts.** Same obligation repeated as on preceding card, followed by sundry receipts: 182 francs in peltry, Caskaskias, November 15, 1735. Etienne Langlois.
2pp.
No. A35⁵⁹.
See A35⁵⁸.

Item, 102 francs, May 14, 1736. M'a C'Baudrau, widow of Etienne L.

Item, 191 francs, January 26, 1739. Buchet. Successive subsequent receipts by Buchet, down to (blurred date) in October, 1739.

Torn memorandum by Prévost.

July 16, 1735. (23526) **Power of Attorney** granted to Francois Gallot, secretary of M. de Bienville, by Jean Baptiste Hervieux, to collect and receive all sums due to said Hervieux in Illinois, Mississippi and other places.

Done and passed in Montreal before Raimbault, notary, August 24, 1733.

On request of Gallot said power of attorney recorded in the minutes of the Council and a true copy made of it by Sieur Nicolas Henry, clerk of the Council. July 16, 1735.

Signed: "Gallot," "Henry," "Hugault," "Serel," notary, "Rossard," notary.

Excerpt from letter of Sr. Hervieux dated Sept. 6, 1742.

True copy collated with original July 10, 1743.

Signed: "Henry."

July 22, 1735. (9972) **Petition to M. Salmon**, First Judge of the Province of Louisiana, by Attorney General of the King to have seals affixed on effects and property of Marie Vatel, who has left an heir by each of her two husbands, preceding Léonard Collot, one of whom, Coupert, was indebted to the Company. Moreover request that enumeration and description of effects be made in order to protect the rights of the Company of the Indies, and those of the two minors.

Signed: "Fleuriau."

July 22, 1735. **Order that Seals be Affixed** in presence of Sieur Bizoton.

Signed: "Salmon."

July 22, 1735. (9963) **Affixing of Seals** on effects of Marie Vatel, wife of Leonard Collot, previously widow of Jean Coupert and Jacques Paquier in presence of Sr. Joseph Bizoton and M. Salmon.

Signed: "Collot," "Fleuriau," "Bizoton," "Rossard," clerk.

- July 23, 1735. **Homologation of Election** of Sieur Collot as curator and tutor of Marie Jeanne Coupart and Remy Paquier, minor children of Marie Vatel, deceased wife of Leonard Collot.
(9967)
Signed: by Collot, Piquery, Dwanaget, Thomelin, Le Moine, Fleuriau, Salmon and Rossard.
- July 23, 1735. **Petition to Superior Council** by Attorney General of the King to convene meeting of neighbors and friends of Marie Vatel, deceased wife of Leonard Collot, to elect an under tutor and curator to said minors, their step-father having consented to be their tutor and to proceed to raising of the seals and inventory of said succession.
(9973)
Signed: "Fleuriau."
Petition granted and signed by Salmon.
- July 23, 1735. **Notice Served** on friends and neighbors of Marie Vatel to appear before Mr. Salmon to elect an under tutor and a curator to minor heirs of said Marie Vatel.
(9970)
Signed: "Hugault."
- July 25, 1735. **Inventory Taken of Effects** of succession of deceased Marie Vatel, wife of Leonard Collot, on request of Councillor Brusle, Agent of the Company of the Indies, before him and the Notary Royal of the Province. Inventory covers 7pp.
(9952)
Signed by Collot, Hugault, Bizoton, Rossard, clerk.
- Aug. 6, 1735. **Acknowledgment of Debt.** Nicolas Pierron alias Vendosme and his wife Magdelaine L'Evêque owe to the Company in Paris, 2713 francs, for transactions duly described.
1p.
No. A35⁶⁰.
Mortgage security.
- Aug. 11, 1735. **Petition to Superior Council** by Leonard Collot to convene another meeting of neighbors and friends to elect Sr. Pierre Thomelin as curator and tutor to Remy Paquier and Marie Jeanne Coupart, minor children of his deceased wife as he is to leave for France by the "Compt de Maurepas," after having given an account of his curatorship and tutorship of said minors.
(9954)
Signed: "Collot."

August 11, 1735. Petition granted.

Signed: "Salmon."

August 12, 1735. On margin of petition consent of Attorney General.

Signed: "Fleuriau."

Aug. 13, 1735. **Another Meeting** called of neighbors and friends of minors of Marie Vatel for August 13, at 2 o'clock in the afternoon.

Signed: "Salmon."

Aug. 18, 1735. **Receipt.** Jean Louis has received of Mr. Baldic the sum of 6 francs and 5 sous, in discharge of Mr. Herpin.

No. A35⁶¹.

Aug. 19, 1735. **Petition to Sell a House and Lot.** Chevalier de Noyan asks leave to sell a house and lot which his wife had acquired, and wishes to be dispensed from routine formalities and their inconvenient delay.

1p.
No. A35⁶².

Approved by Salmon, cognizant of correct circumstances.

Aug. 20, 1735. **Loquitur Gerard Pery, Tradesman.** To the intent that he has engaged passage to La Rochelle by the ship *Le Comte de Maurepas*; fare being 30 pistoles; that no business detains him here; and next he would seem to mean, but puts both feet in his mouth to clog his expression, that Messrs. Bunel and Co. are about to pay him in full.

1p.
No. A35⁶³.

Aug. 21, 1735. **Letter of Dusable to Mr. Aufrere, Tradesman at N. O.** Preliminary good manners. Writer has used all due diligence to collect of Goudeau, but in vain. Neither does Mr. Busson pay up thus far. Mr. Petit was willing to settle in hides, but this plan was refused by Mr. A. However, Dusable has bought a ground site of Petit, and has given P.'s note in payment, leaving D. debtor to A. Please send some soap (three or four pounds), and a half pound of copperas. Answer at what price you will take tobacco, should Busson offer to settle on that basis.

Natchitoches.
2pp.
No. D43^{247b}.
See D43^{247a}.
D43^{247c}.

Aug. 23, 1735. **Remonstrance.** Mr. Gery Pery shows that there is now a real "clog" on his proposed movements. Mr. Antoine Bunel, his debtor to the sum of 8419½, has gone away to parts unknown; ac-

1p.
No. A35⁶⁴.
See A35⁶³.

cordingly, G. P. protests against Bunel, Madame Bunel, and B.'s partners, on account of this delay for G. P. He will charge them with his expenses in the Colony pending full collection of aforesaid debt, and thereafter till sailing of next ship; his salary to boot.

Aug. 24, 1735.
2pp.
No. 35⁶⁵.

Acknowledgment of Debt. Surgeon Theodore Baldic to Pierre Aubruchet, officer on board the ship *Le Comte de Maurepas* of La Rochelle, who acts as attorney for Guinot, apothecary at La Rochelle, 686 francs, 12 sous, for a box of drugs. Mortgage security.

Feb. 11, 1737. Subjoined power of attorney by P. Aubruchet to Recorder Henry to collect residue account, 46 francs, 12 sous, from Baldic estate.

Sept. 3, 1735.
1p.
No. A35⁶⁶.
See A35⁵⁴,
A35⁶⁷.

Motion for Election of Guardian. Attorney General Fleuriau reports the decease of Sieur Tapican, settler at Pointe Coupee, who left a minor child, some negroes, and probably some unfinished business, as he was to sell a bill of goods and furnish a lot of wood. Since T. was a widower a guardian should be appointed to look after the interest of minor child, and to finish said business. Mr. Filassier, an uncle of the minor, is the only known relative.

Approved: Salmon.

Sept. 5, 1735.
1p.
No. A35⁶⁷.
See A35⁵⁴, A35⁶⁶,
A35⁶⁸.

Court Summons. Sheriff Hugault notifies designated parties to appear for the election of a guardian for the minor child of late Sieur Japiou (elsewhere Chapiau, Tapiou), settler at Pointe Coupée.

Sept. 6, 1735.
1p.
No. A35⁶⁸.
See A35⁵⁴.
A35⁶⁷.

Recommendation of Guardian. Attorney General Fleuriau shows that though normally Mr. Filassier, the uncle of Tapiou minor, should be preferred as guardian, the deceased Tapiou had expressly named Sieur Hanotiau for that office. Neither is the Sieur Filassier so exemplary as the Sieur Hanotiau; let alone the latter's domicile at Pointe Coupée, where the minor lives, whereas Mr. F. lives at N. O. Therefore let Mr. H. be named guardian and Mr. F. surrogate guardian.

- Sept. 6, 1735. **Report of Robbery.** Dame François Richon, widow of late Pierre Dupuy alias Goupillon, lodges complaint over a long list of articles robbed from her house while she was at supper with a neighbor, on Sunday last.
2pp.
No. A35⁶⁹.
- Sept. 15, 1735. **Power of Attorney.** Jacques Esnoul De Livaudais, Port Captain; François Esnoul de Bellile, Lieutenant of Infantry, and Dame Marguerite Esnoul, his wife; Ensign Jean Marest Dupuy and his wife Dame Marie Loigget, to their sisters Demoiselle Jeanne and Charlotte Loigget, for settling estate of their deceased mother Dame Marie Le Jalowa Loigget.
2pp.
No. A35⁷⁰.
- Sept. 16, 1735. **Power of Attorney.** Louis Joseph Bizoton, Marine Commissary, to (name left blank), for settling some estate affairs with widow of late Henry Giot DuBreuil, commissary of the "Army of Germany."
1p.
No. A35⁷¹.
- Sept. 17, 1735. **Petition to Sell House.** Gonzalle, innkeeper, asks leave to sell the house which he acquired from Mr. Dartaguet.
1p.
No. A35⁷².
See A35⁷⁸.
Approved, subject to advertisements.
Oct. 5, 1735. Advertised on three successive Sundays; no opposition.
Hugault.
- Sept. 17, 1735. **Memorandum of Account.** Mr. Broutin submits his account with Mr. Rossard, in connection with de Mandeville estate; Mr. B. having married Madame veuve de M.
2pp.
No. A35⁷³.
Mr. R. is Dr. 300 francs.
- Sept. 30, 1735. **Marriage Contract.** Officer Joseph Favrot and Demoiselle Louise Elizabeth Bruslé, native of Isle Dauphine, daughter of Philippe Antoine Bruslé and his wife Dame Marthe Frémont.
6pp.
No. A35⁷⁴.
Bienville signed as witness.
Oct. 8, 1735. Bridegroom and bride receipt to Mr. Antoine Philippe Bruslé for amounts 7750 and 2000 francs.
- Oct. 1, 1735. **Sale of Slave.** Mr. Michel Rossard has sold to Mr. Dieudonne, officer in the Swiss troops, a negro boy named Scipion, for 500 francs, and this transaction squares both parties.
1p.
No. A35⁷⁵.

Oct. 4, 1735.
2pp.
No. A35⁷⁶.

Contract for Supplies. André Provost, Captain of the ship *La Perle de La Rochelle*, agrees with Judge Salmon to furnish the royal stores at N. O. with six casks of claret, four casks of vinegar, a lot of lard, and six grindstones. Wine at 100 francs a cask; vinegar 80 francs a cask; lard at 6 sous per lb.; grindstones at 8 francs each. Captain Provost offers mortgage security. Goods will be paid on warehouse receipt, by Marine treasurer.

Oct. 6, 1735.
2pp.
No. A35⁷⁷.

Deed of Gift. Jean Baptiste Gauvain and his wife Dame Susanne de Ste. Helaine agree to share all their goods movable and immovable vested in their possession on date of the decease of either party, provided no children be born of their marriage; the survivor to enjoy possession for life time only.

Approved for execution Feb. 4, 1735.
Fleuriau.

Oct. 8, 1735.
1p.
No. A35⁷⁸.
See A35⁷².

Sale of Real Estate. Jean Ganzalle (signed Ganzalez), innkeeper, and his wife Marie Françoise Herebbel convey to Nicolas Chauvin de la Frénière, of the Superior Council, a designated site with two buildings thereon and appurtenances, for 2600 francs cash.

"Carved" signature of Madame.

Oct. 14, 1735.
4pp.
No. A35⁷⁹.

Marriage Contract. Jean Baptiste Senet (signature seems to stand Senete) and Marie Salmin Amanne. Bride's parents were from "Chafou," Swiss frontier.

Oct. 19, 1735.
2pp.
No. A35⁸⁰.

Acknowledgment of Debt. Dame Antoinette Fourier, widow of late Antoine Rivart, and her daughter Dame Jeanne Antoinette de Villemont, widow of late Rivart Junior, owe the Company a negro, valued at 1000 francs, payable in two semi-annual installments. Mortgage security.

Other details at length.

Seen and approved: Salmon.

Oct. 25, 1735.
3pp.
No. A35⁸¹.
See A35⁸².

Remonstrance. Raymond de St. Martin, alias Jaureyquybery, widower of late Marie Bruslé, files opposition to the sale and delivery of a slave Penda, and of a pair of oxen, as well, property of his deceased wife in common with her first husband, late François Dugué.

He claims these assets in virtue of his marriage contract, dated Nov. 20, 1732.

- Oct. 26, 1735. **Remonstrance.** Antoine Philippe Bruslé opposes the sale of two slaves from the estate of the late Duguey, husband of the late Marie Bruslé, petitioner's daughter. This opposition is grounded on terms of her marriage contract.
2pp.
No. A35⁸².
See A35⁸¹.
- Oct. 31, 1735. **Report on a Wounded Negro.** Surgeon Baldic, on returning from supper at Madame Biesson's, found a slave of his weakened from loss of blood, and badly injured in the face.
2pp.
No. A35⁸³.
Very dirty ink; soiled paper.
- Nov. 14, 1735. **Trustee Appointed.** Daniel Rafleau is elected trustee for Jean Baptiste Senete, minor son of Jean Louis Senet and his wife Demoiselle Olive Berger. So confirmed by Court.
2pp.
No. A35⁸⁴.
- Nov. 16, 1735. **Autograph Will of Jean Louis.** Very piously worded, and of charitable purpose. He leaves 200 francs for an ornament of the parish church; 200 francs to the poor; 100 francs for clothing of the neediest orphans; and after his debts are paid, surplus proceeds are to be applied in founding an infirmary for the sick of N. O. Parish Priest will cooperate with executor, Mr. Raguét, in carrying out this design.
2pp.
No. A35⁸⁵.
See A35^{85a}.
Jean Louis' parents are dead. and he settled his affairs in France before migrating. Requiem Mass is to be said for him every first Monday of the month during one year; besides his funeral obsequies.
- Nov. 21, 1735. **Report on Ruined Effects.** At the request of Jean Claude Herpin, Mr. Rossard inspects a large trunk, four feet long by 20 inches wide and 18 inches deep, deposited by Mr. Herpin in the house of Antoine Patin alias Belair. Contents (clothing and business papers), are found utterly destroyed by rats and mould.
5pp.
No. A35⁸⁶.
Signed: Herpin, Baldit, Rossard, recorder; Patin.
- Dec. 3, 1735. **Remonstrance.** Jean Baptiste Prévost, attorney for vacant estates, learning that Madame veuve Lazon has directed her attorney Sieur Hareng to sell a house for her, and that Hareng is ready to sell a house for her, and that Hareng is ready to sell to one La France for 600 francs, files exception. The same house is mortgaged
1p.
No. A35⁸⁷.
See A34¹³.
A34⁶³.

to J. B. P. for 850 francs and he requires the sale to reach that figure. Let the house be advertised for auction.

No note by the Court. Faded.

Dec. 8, 1735.

1p.

No. A35⁸⁸.

See A35⁹⁰.

Contract for Supplies. Messrs. St. Jean and Barron agree with Judge Salmon to furnish certain goods to the king's warehouses in Alabama (aux Allibamouts), to-wit, powder at 20 sous per lb.; shot at 8 sous and 3 farthings per lb.; iron boilers at 7 francs each; flour at 4 sous per lb. Dry goods item at 3 francs. Latter portion almost effaced.

Dec. 22, 1735.

3pp.

No. A35⁸⁹.

Dictated Will of Andre Villeurs. Testator is a native of St. Suplice in Saintonge. He gives 200 francs to the parish church, 200 francs to infirm outside the hospital neediest poor in the Colony; 500 francs to Madame Provenche for care of him while ill; 400 francs to his friend Louis Bland; ditto to Madame Braquigny for supplies and attention during his illness. The surplus, if any, shall be applied in equal parts to Requiem Masses for himself, to poor hospital cases, and to other poor people in town. His executor is Mr. de St. Martin. Witnesses, Jacques Mellet, mate of La Perle, and Jean Gonzalle, innkeeper.

Dec. 25, 1735.

1p.

No. A35⁹⁰.

See A35⁸⁸.

A36.

Contract for Supplies. Sieur Gille Duranton agrees with Judge Salmon to furnish rations for the soldiers, convicts and King's negroes who may be ill at the post of La Balise in course of the coming year. Soldiers ration at 7 sous; that of convicts and negroes at 10 sous, 4 farthings. Mr. G. D. offers mortgage security. Proviso on behalf of marine pension fund.

(To be Continued.)



EDITOR'S CHAIR

THE QUARTERLY UNDER MR. DYMOND

The Quarterly has lost the beloved and tireless worker who prepared its first number, and who remained in charge until death overtook him. The Memorial of the Louisiana Historical Society, which appears elsewhere in this issue, contains a brief and sympathetic review of his career, but it is proper the Chair should add something further concerning his work here. Mr. Dymond was a member of the Executive Committee of the Society in 1916 when plans were formulated for a Quarterly publication to preserve in the permanency of print the neglected material of our archives and to encourage the worker and student. The first number was dated January 8, 1917, and its contents, particularly the Diary of Governor Galvez, established its position and indicated how necessary it was to contemporary historical literature. The three volumes which were completed and published in Mr. Dymond's lifetime have maintained the high ideals of its founders and created for him his most enduring monument.

The material for the fourth volume of the Quarterly 1921 was accumulated but he did not live to see it in print, and we have issued the numbers without change in his plans. Mr. Dymond usually put off writing the Editor's Chair until the number was made up. This habit accounts for the absence of that department in the 1921 volume.

The Quarterly grew in influence and its scope widened, but it repeated the experience of the Publications of the Louisiana Historical Society, 1895-1917, in the delays attendant upon its publication. Mr. Dymond had many interests and was busy about many things, the Quarterly was high in his thought, but he could not always give it preference or right of way. He was not wholly at fault, however, for the Quarterly having no treasury, could employ no assistants, and this busy man was compelled to do work that could easily have been performed by others. It resulted therefore that the Quarterly was not consistently prompt in publication, and when Mr. Dymond fell ill a sad toll of arrearages accumulated, but even before his illness it was suggested to him to double up his numbers as a short cut to bridge the gap. This did not meet his view of his duty, which was to carry on until

in time the consecutive issues properly dated would justify the delays of publication, and it is not our province to say that his view was not a good and substantial one. A Quarterly Magazine of History demands leisurely preparation and suggests similar leisure in the reader, and after all the main idea was to print and preserve the valuable material which had theretofore waited for annual publication in the Proceedings of the Louisiana Historical Society. But the burden laid on him, is still here, and it suggests a division of labor in the interest of speedy publication.

The new occupant of the Chair has served an apprenticeship in reading proof and working out the numbers of the Quarterly for 1921 left unprinted by Mr. Dymond; this has created a sufficient apprehension of the future to permit him to say this is not a time for prophecy. The generous and hearty appreciation extended to the new administration must, however, be acknowledged. It is apparent the Quarterly is one of the Institutions of Louisiana, and that it has created an audience which expects much and hopes for more. One note is dominant in this appreciation, a desire for continued intensive study of our sources. Indeed, there is universal approval of the work drawn from our archives, which has been featured in recent numbers of the Quarterly, and this commendation is the more gratifying when we consider it comes from persons who have heretofore thought us unappreciative of the material of History so long neglected at the Cabildo and elsewhere in the State.

We hope to live up to these high ideals, but that work, so far, has been supported solely by local effort whereas it should be supported morally and physically by students and writers everywhere. It is our purpose to open our pages to contributors from every quarter, and we have started this in the January issue. Source work is the bread of the Quarterly, but one may not live on bread alone; diversity of diet has indeed been our strength in the past, and indications are we can rely upon it indefinitely. In truth the difficulty is rather to separate the grain from the chaff, while the amenities require the Editor to remember he is only one volunteer among many and should if possible permit his readers to do the separating.

THE CABILDO OF NEW ORLEANS

Elsewhere in the Quarterly we print Mr. Herbert I. Priestley's scholarly essay on Spanish Colonial Municipalities. It should stir our students to the study of the Government of Louisiana under the Spanish Domination. The scope of the essay does not include the Cabildo in Louisiana, probably because the material was inaccessible, due to the neglect of the State to print the surviving records of that period. We have in the Archives of the City of New Orleans the complete minute books of the Cabildo from the first session to the last, that is from the day it was organized by General O'Reilly in 1769 to that day in November, 1803, when Citizen Laussat, Prefect of the Province of Louisiana, in the name of the Republique Francais opened the page of a new volume for the minutes of the installation of the French Municipality of New Orleans. This remarkable record shows day by day the processes of public life in New Orleans under the government of the Cabildo. There is nothing in Martin's or Gayarre's histories that indicates their use of this material, though it is insupposable they could have written without consulting it. That any succeeding historian of Louisiana has examined these minute books does not appear in a careful scanning of their work.

Mr. Priestley's essay conclusively establishes that a Cabildo was a town or municipal organization; the method prescribed by Spain for the government of a town or city. This, indeed, sufficiently appears from O'Reilly's ordinance creating the Cabildo of New Orleans and from the laws referred to by him, as the authority for its creation. It is undeniable, however, that a strange ignorance prevails in Louisiana regarding the powers and functions of the Cabildo. The writer was asked very recently, by one who should know better, whether it is not true that the Cabildo governed Louisiana, and whether it is not also true that it was the court of last resort, during the Spanish period. The facts are, of course, that the executive power over the Province resided in the Governor and the official family surrounding him. This rule included New Orleans, save insofar as the local functions of the Cabildo provided otherwise. It is well known, however, that the Cabildo's powers were more apparent than real, and whether the one or the other purely municipal and extremely restricted. The Governor's hand lay heavily on this body and it

responded more often to his directions than through any motion or virtue in itself. In Robertson's *Louisiana Under Spain, France and the United States*, Vol. 1, p. 215, there is a translation from Berquin-Duvallon's *Vue de la Colonie Esp.* that is almost ribald in its contempt for the Cabildo. Allowing for the reaction to be expected in a French traveler against Spanish institutions, the grain of truth is there, that the Cabildo was, in its latter years, only a piece of scenery.

But whatever may have been the Cabildo's real relation to the people or to the system of government, the material exists in New Orleans and elsewhere in this state for a rewriting of the history of Louisiana under the Spanish dominion, and for a correct study of the Cabildo. The building that housed both the municipal government of the city and the executive force of the Province is carefully preserved by us. The name it carries, "The Cabildo" perpetuates the memory of the form of local government of the City of New Orleans in Spanish times. Among its treasures, we have a fairly complete file of the judicial records of that period. In the Notarial Record Office at the New Court House, we have scores of volumes, covering wills, marriage contracts and transfers of property. In the City Hall as we have said are the Minute Books of the Cabildo. At Baton Rouge there is a body of like material, and similar papers exist in St. Martin, Avoyelles, Natchitoches, and doubtless elsewhere in the Parishes that succeeded the local subdivisions of the Spanish era. None of this has been edited and nothing has been done or is now being done to put any of it into shape for public use. The single exception is New Orleans, where, thanks to private munificence, the French and Spanish Judicial Records are being indexed, but when this index has been published in the Quarterly, it is greatly to be feared there will be an end of interest, and the matter will revert to its ancient condition of neglect and forgetfulness.

This mass of valuable material should not be allowed to remain in its present condition. The State owes a duty to history; the City owes a like duty. A careless workman may set the train for a fire that would destroy in an hour these accumulations of the centuries, for there is not a fire-proof storehouse covering any of it, save that which is in the New Court House at New Orleans. In their present condition, it is practically impossible to study or work in these records. The mere physical labor of research, to

acquire or verify the slightest fact is beyond the capacity of any student.

The Quarterly is, for the moment, the only place where these records can be preserved. To put them into print is the first requisite, and our pages show that we have been doing this as rapidly as possible with the French records, but the result is pitiful compared with the mass that clamors for attention. We have now advanced far enough into the Spanish records to be able to stop and translate an occasional document. But after all is said, the best that we can do is to select some important document, translate, edit and print it. That work, however, in our situation, is only incidental to our greater purpose of indexing what we have. The means at our disposal, scarcely sufficient for this clerical labor, does not permit us to turn aside until that task is complete and published.

The documents that have been published in the Quarterly have aroused intense interest in Louisiana and in the seats of learning everywhere. This awakened intelligence is producing results; there is no month that some rare treasure is not tendered the Society for preservation, scarcely a week that we do not unearth some valuable forgotten, we may even say unknown, MSS. document, record or file. We view this zeal for the preservation of our material for history with joy and gratitude, and we have no doubt that it must result in some plan for the preservation and printing of our Archives, particularly such things as the Minute Books of the Cabildo.



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Statement of the Ownership, Management, Circulation, Etc., Required by the Act of Congress of August 24, 1912.

Of The Louisiana Historical Quarterly, published Quarterly at New Orleans, Louisiana, for October 1, 1922. State of Louisiana, Parish of Orleans, ss: Before me, a Notary Public, in and for the State and parish aforesaid, personally appeared Henry P. Dart, who having been duly sworn according to law, deposes and says that he is the Editor of the Louisiana Historical Quarterly and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 443, Postal Laws and Regulations, printed on the reverse of this form to wit: 1. That the names and addresses of the publisher, editor, managing editor, and business managers are: Publisher, The Louisiana Historical Society, The Cabildo, New Orleans, La.; Editor, Henry P. Dart; Managing Editor, None; Business Managers, None; 2. That the owners are: The Louisiana Historical Society. There are no stockholders. Gaspar Cusachs, Pres.; Edw. Alexander Parsons, 1st V. P.; Henry Renshaw 2nd V. P.; W. O. Hart, Treas.; Henry P. Dart, Archivist and Editor; Grace King, Recording Secretary; Heloise H. Cruzat, Corresponding Secretary. 3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: None. (Signed) Henry P. Dart, Editor. Sworn to and subscribed before me this 1st day of October, 1922. (Seal) Henry P. Dart, Jr. (My commission is perpetual.)

